(IM)POLITENESS AND POWER IN THE EARLY MODERN ENGLISH COURTROOM (1560 to 1639)

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Abstract

The data-based study focuses on power and (im)polite language use in the historical courtroom of the late Elizabethan and early Stuart times (1560 and 1639). The study's aim is to investigate the influence of non-linguistic features (social status, rank, age) on word choice and (im)politeness strategies regarding terms of address and offensive language during trial proceedings. The focus lies on the different types of trials (ordinary criminal and high treason trials), their different procedures, namely political show trials as opposed to crimes against persons/property, and on their different public perceptions. In the EModE period, social status played an essential role in the use of language in daily life, whereas society was governed by a strict social code that defined socially accepted behaviour based on honour, reputation, and courtesy. However, these rules, which were associated with a certain socially expected behaviour, did not fully apply during trials. In these situations, the courtroom functioned as a microcosm with its own linguistic rules such as institutionally-required formality, asymmetrical power positions, and preassigned roles as defendants, members of the prosecution counsel, or judges. Due to their frequent verbal interaction during the trial, the thesis focuses on the analysis of the verbal behaviour of these three groups of speakers in order to investigate (im)politeness strategies in the historical courtroom.

The study's approach advocates that an analysis of language use without considering the non-linguistic context (historical-political background, gender, age, social status, etc.) is not sufficient to explain the choice of words and verbal behaviour of the trial participants in the EModE courtroom. In the present study, the analysis of the non-linguistic context is related to that of linguistic elements generally used to express politeness such as terms of address, or impoliteness such as abusive terms and epithets. Moreover, the thesis argues that nouns closely connected to the trial proceedings (*evidence, proof,* etc.) are used differently by the trial participants due to the roles preassigned to them and the asymmetrical power positions in the EModE courtroom.

The data are drawn from the first two trial sections of the extended version of the *Sociopragmatic Corpus*, which comprises trial records from the years 1560 to 1639. This is possible for the first time due to the sociopragmatic annotation and expansion of subsections 1 and 2 of the *SPC* with trial records from published and unpublished sources. As a result, the present study has access to new source material to examine the verbal interactions of the trial participants in relation to (im)politeness strategies. Furthermore, the thesis, which is situated in the fields of (historical) pragmatics and sociopragmatics, analyses the data using pragmatic analysis, models of (im)politeness, and concepts regarding power and solidarity. The study's novel approach explores the political circumstances of the EModE period and allows conclusion to be drawn between the connections of social ranks, legal procedures, and political settings. The thesis proposes to examine the use of language in the historical courtroom in the contexts of historical events and political developments outside the courtroom. Consequently, the present study broadens the perspective on EModE trial proceedings in general and the influence of social status on (im)politeness strategies in particular.

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1. Introduction

1.1. Aims and scope

This thesis examines Early Modern English (henceforth EModE) court records of high treason and ordinary criminal trials of the late 16th and early 17th centuries (specifically 1560 to 1639). The focus is on defendants, members of the prosecution, and judges and the question how power and (im)politeness strategies were expressed linguistically in such trials. The issue arises because these three speaker groups were most active during trials due to the particular legal procedures of the time (see Beattie, 2002; Bellamy, 1979). Although the number of linguistic studies that have examined the historical courtroom has increased during the last twenty years, the interest of most linguistic research still lies on the 18th and 19th centuries. The focus is on topics such as question strategies (Archer, 2005), pronominal forms of address (Hope, 1993; Walker, 2007), asymmetrical power structures in relation to impoliteness (Cecconi, 2011; 2012), discourse markers (Lutzky, 2012; 2019), or modern impression management strategies (Archer, 2018). However, what has not been examined in detail in the historical sociopragmatic studies to this point is the close connection between the linguistic behaviour of the trial participants, the influence of the historical-political context of the trials, and, in particular, the personal relationships between defendants, members of the prosecution counsel, and judges to each other outside the courtroom.

In the EModE period, a person's social status determined his or her position in society. If a member of the nobility or the gentry was accused of high treason, this constituted not only an offence in the legal sense, but also one against the social order and its stability and was therefore seriously punished by the law and the society. However, it is important to note that perpetrators were tried by their social peers, which resulted in trial settings where everyone knew each other well. Based on this context, the following research questions are raised in the thesis:

(1) Did the social status and power position of the trial participants influence linguistic behaviour and word choice in terms of (im)politeness strategies during trials?

(2) Did the historical-political context of the individual trial, the types of trials (ordinary criminal and high treason trials), and the personal relationships of those involved in the trial have an influence on the course of the trial and possibly also on its outcome?

(3) Did the preassigned roles as defendants, members of the prosecution, and judges reflect the asymmetrical power positions in the EModE courtroom?

The aim of the present study is to investigate how non-linguistic characteristics such as social status, gender, age or the assigned role as defendant, prosecutor or judge influenced linguistic conduct in the courtroom in terms of (im)polite language use, word choice, and power relations during the trial. The thesis argues that trial proceedings and word choice were not isolated processes but were related to important features such as social prestige and position of power in the EModE society of the late Elizabethan and early Stuart periods. Moreover, during trials, the preassigned roles of the three groups of speakers (defendants, members of the prosecution counsel, and judges) were not static, but were negotiated as part of a dynamic process of communication (Holmes et al. 2012; Grainger, 2018) based on non-linguistic features such as social status, gender etc. and, therefore, need to be considered in this sense.

The data of the present study are drawn from the extended version of the *Socio-Pragmatic Corpus* (*SPC,* 2007), namely the trial sections 1560 to 1639. Due to the socio-historical framework in which the present work is situated, it was necessary to extend the existing *SPC* to the beginning of the EModE period by compiling and sociopragmatically annotating the court records for two new trial sections for the periods 1560 to 1599 and 1600 to 1639. The sources on which the newly added trial records are based include published and unpublished works and, where available, manuscripts from the British Library from the 16th and 17th centuries. For the quantitative analysis of the data, only such corpus linguistic techniques, for example frequency word lists, concordance searches, etc., were selected that would provide reliable results for such a small corpus.

In analysing linguistic behaviour and (im)politeness strategies during trials, the thesis focuses on the use of nominal (*Sir, Lord,* etc.) and pronominal (*you* and *thou*) forms of address and epithets (*traitor, fool,* etc.) which are generally used to achieve politeness or impoliteness. However, it is important to keep in mind that (im)politeness does not inherent in such linguistic forms but is a discursive-strategic interaction based on people's assessment of what is considered polite and what is considered impolite (Holmes 2012). With regard to the thesis, these judgments have to be evaluated from an EModE perspective and in relation to the context of the individual trial, the social roles of the trial participants in society, and their preassigned roles in the trial. Additionally, the study explores nouns that co-occur in court proceedings such as *evidence, accusation, mercy,* etc. The aim is to investigate whether nouns that co-occur in trials were used differently by the various trial participants. These participants had preassigned roles as defendants, members of the prosecution counsel, or judges and used

such nouns according to their institutional roles during the trial. Thus, these predetermined roles generally reflect the established asymmetrical power positions in the EModE courtroom. However, the thesis argues that the preassigned roles of the trial participants, the different types of trials (high treason and ordinary criminal trials), and the historical-political background of the individual trial influenced the use of these nouns. In addition, power in the form of the social status of the individual trial participant was an important element to be included in the analysis.

Linguistic forms such as terms of address, epithets, and nouns can also be used to express personal attitudes and relations between the speaker and the addressee, in particular when they are combined with (im)politeness strategies (Grainger, 2018; Watts, Ide, & Ehlich, 1992) such as Brown and Levinson's (1987) concept of face, Brown and Gilman's (1960) idea of power and solidarity, Watts' theory of *politic behaviour* (Watts et. al., 1992), Archer's model of verbal aggression (2008; 2011), and the concepts of irony and sarcasm to express (im)politeness in a more figurative sense (Taylor, 2017). The present study adoptes a neo-Brown and Levinson approach pioneered by Holmes (2012) and further developed by Grainger (2018). The concept combines the notions and insights of Brown and Levinson's theories with the ideas of social constructionism "to provide a more dynamic, context sensitive and discourse-oriented framework" (Holmes 2012: 1064). The present work uses such concepts and approaches to explore whether the historical-political context of a trial and personal relationships between participants might have influenced the outcome of the trial.

Due to the interdisciplinary nature of the topic, the thesis draws on existing studies from the fields of historical sociopragmatics (Culpeper & Semino 2000; Archer 2005; Walker 2007; Marmaridou, 2011), historical pragmatics (Jacobs & Jucker, 1995; Jucker & Taavitsainen, 2010; Kryk-Kastovsky, 2006a; Culpeper & Kytö, 2010), legal history (Bellamy, 1979; Beattie, 1991; 2002; Baker, 1990; Langbein, 1978; May, 2003), and social history (Nevalainen & Raumolin-Brunberg, 2003; Wrightson, 2004) in order to obtain the background information on the individual trials and the participants necessary for the qualitative discursive analysis. In addition, publications on the historical courtroom, legal language (Stygall, 1994; Veerapen, 2014), biographies (Boyer, 2003; Nicholls & Williams, 2011; Somerset, 1998; 2002), and published correspondence from and between the mostly famous trial participants (Sir Walter Raleigh, the Earl of Somerset, Anthony Babington, etc.) were used.

Overall, the thesis uses a novel approach to EModE data that provides new insights into the linguistic behaviour and (im)politeness strategies of different trial participants in the courtroom of the late Elizabethan and early Stuart periods. During this period, high treason and ordinary criminal trials were often made famous by the events during the proceedings. For example, those involved created an image of the EModE courtroom with fixed rules of law, formulaic phrases, and hierarchical power positions, but at the same time contrasted this image by using offensive language. The present study shows that these judicial settings and norms were more flexible than expected and made it possible to negotiate and change the preassigned roles as part of a dynamic process of communication during the trial. For example, linguistic elements that are generally used to achieve (im)politeness such as forms of address or epithets, or signify asymmetrical power positions such as certain nouns were used differently by defendants, members of the prosecution, and judges depending on the historical, political or social contexts of the individual trial. Most importantly, the thesis aims to contribute to a better understanding of the courtroom of the late 16th and early 17th centuries by showing that the personal relationships between the trial participants in EModE society and other non-linguistic features (social status, gender, etc.) had a greater influence on language use during trials than other studies have previously suggested.

1.2. Outline of the study

Beginning with an introduction to the topic, Chapter 1 presents the aims and objectives of research of the present study, whereas Chapter 2 highlights the importance of social status and rank in EModE society. In addition, Chapter 2 introduces the different judicial courts in the EModE period and provides an overview of the fixed legal framework of the historical courtroom, including the preassigned roles of defendants, judges, and members of the prosecution in high treason and ordinary criminal trials. Chapter 3 presents the existing research in the fields of (historical) pragmatics, sociopragmatics, and corpus linguistics. Chapter 4 examines different approaches to (im)politeness, including Brown and Levinson's (1987) concept of face, Grainger's neo-Brown and Levinson approach (2018), or Archer's (2008; 2011) model of verbal aggression. After introducing the setting in Chapters 1 to 4, Chapter 5 discusses the methodological foundation of the thesis and presents the process of extending and annotating sociopragmatically the *Socio Pragmatic Corpus* (*SPC*). Chapters 6 to 8 present the findings of the study, with Chapter 6 focusing on forms of address generally used to achieve politeness and Chapter 7 presenting their linguistic counterparts such as epithets, and the two pronouns of the second person singular *you* and *thou*. Chapter 8 is

concerned with the analysis of nouns that occur in trial proceedings and their different use by defendants, members of the prosecution, and judges, reflecting either the asymmetrical power positions in the courtroom or the influence of non-linguistic elements such as types of trials or social status. Finally, Chapter 9 presents the results of the thesis and draws some conclusions on the topic.

2. Society and courtroom discourse in the EModE period

The following chapter introduces the social norms of the EModE period and emphasises the importance of principals such as honour, reputation, and social manners. These concepts are also reflected in the hierarchical social system of the EModE period and closely connected to status symbols such as power and wealth. The section also presents the historical courtroom with its particular judicial system that strongly influenced the preassigned roles and power positions of its participants. The chapter concludes with the discussion of the roles and tasks of defendants, members of the prosecution, and judges in the EModE courtroom.

2.1. Social norms and hierarchy

In the EModE period, social status played an essential role in society and determined the use of language in daily life. Due to strict social rules, forms of address, titles of courtesy, occupational terms of address, and pronouns, such as *you* and *thou*, played an important role, and their analysis promotes an understanding of how social positions were considered and influenced language use. EModE society was a macrocosm that defined one's social status, role, and belonging to particular social groups by wealth, occupation, gender, and birth (Wrightson, 2004: 31). A *gentleman*, for example, belonged neither to a legally defined group nor to a homogeneous social class. Rather, it was common for members of the gentry to be distinguished by different types of titles, hereditary or not, their legal privileges, and possible parliamentary status. Consequently, the social class included various groups such as peers (Dukes, Earls, Viscounts, etc.), gentry proper (Baronets, Knights, etc.), or parish gentlemen (Esquires, etc.) (Wrightson, 2004: 31).

In contrast, the large social category of non-gentries included, for example, yeomen, labourers, servants, artificers, and the poor. The third most important social class, the professions, was defined by occupation and/or connection to an urban environment. Originally, lawyers, clerics, and doctors were the three main representatives of this group, but the boundaries between all social classes started to change and conventional social categories became blurred during the EModE period. Upward and downward social mobility made the social order dynamic and changed the perception of different social groups over time (Wrightson, 2004: 36-41; Nevalainen & Raumolin-Brunberg, 2003: 33-34).

When analysing EModE data, it is important to consider that society was governed by a strict code that defined socially acceptable behaviour based on honour, reputation, and courtesy,

and this behaviour was constantly judged by social peers (Whigham, 1983: 631). Such *politic behaviour* (see Chapter 4.5.) is defined by Watts as "behaviour, linguistic and non-linguistic, which the participants construct as being appropriate to the ongoing social interaction" (Watts, 2003: 21), meaning the centre between impolite and polite behaviour. The community decides what kind of behaviour is "more than merely politic" (Watts et. al., 1992: 51). Aspects such as honour, courtesy, and civility defined the perception of what was considered (im)polite linguistic behaviour, namely Watts' first order politeness (see Chapter 4.5.).

As Robson (1577 qtd. in Peltonen, 2003: 35) states, the main goal was therefore "to purchase worthy prayse of their inferiours and estimation and credit amonge theyr betters" (Peltonen, 2003: 35). According to Early Modern courtesy manuals, impolite behaviour was expressed through dishonour in the forms of insults, whereas defamatory speech was indicated by lies that were capable of destroying a person's reputation (Peltonen, 2003: 38-40; Culpeper, 2017). However, it is important to note that English legal experts of the 16th and 17th centuries stated that "legal relief for defamatory words depended not only on the nature of the words themselves, but also on the quality of the person of whom the words were spoken" (Lassiter, 1978: 216 qtd. in Veerapen, 2014: 30). Consequently, the rank and social class of the offended person must be taken into account, leading to certain consequences for the defendant, the accuser, and finally the type of court used in defamation cases, namely common law courts, ecclesiastical courts, or the Star Chamber. The latter focused its jurisdiction on protecting highly-ranking persons from libel (Veerapen, 2014: 30). Similarly, social class and one's political influence was a significant factor and had an impact on high treason and ordinary criminal trials of the EModE courtroom.

In addition, social hierarchies were influenced by gender and by the profession. Successful and wealthy professionals, such as craftsmen and merchants, could create their own influential place within urban society. Women, in contrast, could only exceeded their own social position, which depended on that of their fathers, through marriage (Nevalainen & Raumolin-Brunberg, 2003: 33-36). Table 1 shows the classification system of the EModE social hierarchy that was used as the basis for the *SPC* annotation scheme. The aim was to reflect the power positions of the trial participants in society and, at the same time, to classify the speakers and addressees in a wider context than their given roles during the trials (see Chapter 5.3.2.).

Table 1: Rank and status in Tudor and Stuart England (adapted from Nevalainen & Raumolin-Brunberg 2003: 36, Walker 2007: 25)

		Code	Grade	Title
		A	Royalty	Queen
Gentry	**Nobilitas** *Major*	A	Duke	Duke
			Archbishop	Archbishop
			Marquess	
			Earl	
			Viscount	
			Baron	Baron
			Bishop	Bishop
	Nobilitas *Minor*	B	Baronet (1611-)	Sir, Dame (Lady)
		B	Knight	
		C1	Esquire	Mr, Mrs
			Gentleman	
	Professions	C2	Army Officer	Captain, etc.
			Medical Doctor, Lawyer	Doctor
			Merchant, Clergyman, Teacher	
Non-Gentry			Yeoman	Goodman, Goodwife
			Merchant	
			Husbandman	
			Craftsman	Name of Craft
			Tradesman	e.g. Carpenter
			Artificer	
			Labourer	
			Cottager	
			Pauper	

The hierarchical distinction according to social rank was an essential feature in this period, which was also detectible in the conduct of trials. For example, ordinary criminal cases were usually held in the country during quarter sessions by judges, justices of the peace who belonged to the local nobility, whereas defendants usually belonged to lower social classes. In addition to their preassigned role in trials, these judges were often the landlords of the perpetrators and therefore had an additional power position over the offenders. Occasionally, the defendants were of equal or higher social ranks than their judges (Walker, 2007: 92) and had to be judged by their social peers. In trials, when the defendants were of the upper social class, each judge had to decide whether or not social factors would influence the diverse power positions in the courtroom (Finkenstaedt, 1963).

In contrast, in high treason cases, most of the defendants belonged to the upper nobility (gentry) and had the same or a higher social rank in relation to the judges. However, these trials were political in nature due to the offence of treason and were often used by the ruling government (Whigs or Tories) as a pretext to eliminate political opponents. Consequently, non-linguistic features such as the political circumstance of a trial, the desire to attain status or bias against defendants need to be considered carefully in any trial (see Chapter 10, Appendix). Such elements are important for the analysis of the data and for a possible

influence of the higher social rank of a defendant on the use of language between trial participants, such as towards the Lord Chief Justice or the Attorney General. Therefore, the approach of the thesis focuses in particular on the link between trial participants' choice of words and non-linguistic features in order to examine the EModE courtroom from a historical and linguistic perspective.

2.2. EModE trial proceedings

2.2.1. Courts

The different perception of high treason and ordinary criminal trials is also reflected in the organisation of their proceedings. High treason trials were considered show trials assembled on a special commission of *oyer and terminer* ("to enquire into", "hear and determine"), in the sense of an ad-hoc command, usually in London. At such events, judges, members of the prosecution counsel, and the jury were carefully selected. The aim of such trials was to present the defendant's crimes before his/her social peers and to emphasise publicly the seriousness of the offence. In contrast, ordinary criminal trials were held regularly in Quarter Sessions or Assizes and presided over by lay judges (justices of the peace from the nobility) or High Court judges (King's Bench in Westminster Hall). Jurisdiction between these two courts was divided according to the seriousness of the offences committed in a particular county or region (Baker 1990; May 2003).

The courts of Quarter Sessions in the county and boroughs were concerned with misdemeanours (lesser offences) such as assaults, riots, petty and grand larcenies, or frauds and convened four times a year (at Michaelmas, Epiphany, Easter, and the Translation of St. Thomas). With the commission of *oyer and terminer and goal delivery* ("to try or release prisoners"), the justices of the peace handled all offences that did not fall within the jurisdiction of the Assizes. Both the Quarter Sessions and the Assizes were not permanent courts but were based on special commissions. Two High Court Judges alternated regularly for each of the six judicial districts. Both courts became an important part of the English judiciary and were eventually abolished in 1971 after six centuries (Beattie, 2002: 4-6.; May, 2003: 14-15; Baker, 1990: 20; 26; 30).

The third type of court, crucial to the topic of the thesis, is the Star Chamber, a prerogative court that concerned itself with prosecution of libel as a criminal offence. The purpose of the Star Chamber court was to prosecute anyone who threatened the honour and good name of

high-ranking persons. In the age of Elizabeth I, the Star Chamber allegedly focussed on punishing malefactors from the upper classes of society, although in practice libel cases could be brought against anyone who threatened the security of the state through intemperate speech, writing, or printing (Veerapen, 2014: 31-32). Therefore, sedition in the sense of "words that fell short of treason and did not directly involve but may lead to acts of violence" (Manning, 1980: 101 qtd. in Veerapen, 2014: 7) and libel were in fact prosecuted throughout the reign of Elizabeth I due to the contemporary concerns that the political opposition threatens the state "through the slander of public figures" (Veerapen, 2014: 7).

In contrast, the indistinct line between defamation and sedition allowed to decide whether one was charged with libel or more serious offences such as sedition or *treason* (Veerapen, 2014: 7-8). The different types of courts outlined above reflect the different perceptions of offences during the EModE period. While high treason was considered the most serious crime by the state, felonies such as murder, robbery, or arson were of lesser importance to the state security and were tried in Assizes and Quarter Sessions. The classification of similar crimes such as libel, sedition, and slander into different court types illustrates the influence of social class on the legal system and, consequently, represents language use in the historical courtroom.

2.2.2. Trial proceedings in high treason and ordinary criminal trials

In addition to the peculiarities and special jurisdictions of EModE courts, trial proceedings during this period missed some basis legal principles. For example, the concept that "every man is presumed to be innocent till he has been clearly proved to be guilty" (Beattie, 2002: 341) was not formulated before the 1780s and was not in general use before the 19th century. Furthermore, the burden of proof was not on the members of the prosecution, who had to prove the guilt of the defendant beyond reasonable doubt by presenting more evidence against the offender for a conviction than the defence counsel for an acquittal (Stygall, 1994: 84). Rather, the burden was on the defendant to prove his/her innocence before the judge and jury without legal representation. The main idea behind this concept was the general belief that an innocent perpetrator should be able to demonstrate one's innocence in court (Archer, 2006: 183).

> [T]he very Speech, Gesture and Countenance, and Manner of Defence of those who are Guilty, when they speak for themselves, may often help to disclose the Truth, which probably would not so well be discovered from the artificial Defence of others speaking for them.
>
> (Hawkins, 1716/1721: 400 qtd. in Langbein, 1999).

As presented above, social class was a decisive factor in EModE trials, which was usually reflected in the fact that defendants in high treason and ordinary criminal trials had to be tried by their social peers. The basic idea was that a perpetrator should be tried by "twelve of his equals and neighbours, indifferently chosen, and superior to all suspicion" (Blackstone, 1769[1979]: 343). High treason was perceived as a crime against God and the monarch and, therefore, possessed a political or religious context, which the state emphasised in the form of show trials. Consequently, the proceedings differed from ordinary criminal trials in terms of the rules of evidence, the way juries were assembled and the judges selected (Langbein, 1978: 266; 275). While in ordinary criminal trials, the members of the jury were supposed to try numerous cases within a very short period of time (Beattie, 2004: 262), in high treason trials each juror was selected individually. Moreover, such trials were formed by ad-hoc commands and by a special commission of *oyer and terminer*, usually in London.

Overall, it is crucial to remember that defendants in the EModE period, with the exception of misdemeanour trials, had no legal right to a defence counsel. From today's perspective, the lack of barristers is difficult to understand. However, at that time the regulation was considered a benefit to the defendant and not a burden. Nevertheless, the idea delayed the general introduction of barristers until the end of the 17th century (Beattie, 2004: 263-264). Eventually, in 1696, the Treason Act was passed, which gave defendants the rights to a defence counsel before and during trial, to compel witnesses, a copy of the indictment, and a week's preparation time before trial. With the introduction of the Act in the late 17th century, defendants began to interact less with judges and members of the prosecution, resulting in a reduction in offensive language during trials. Nevertheless, the implementation of this Act into everyday legal practice was a gradual process (Phifer, 1980; Rezneck, 1930; Csulich, 2016).

2.3. The EModE courtroom: language and formality

The spatial organisation of the EModE courtroom created a physical distance between members of the court, the defendants, and witnesses (Lakoff, 1989: 110; 113). For example, the courtroom for criminal trials was prepared during the Assizes to signify the formality and seriousness of such an event, but also to designate to all trial participants their individual hierarchical positions in the upcoming trial. Judges, as the most powerful men in the courtroom, sat at the highest level, whereas defendants and witnesses, as less powerful persons in the trial, usually stood in front of the bar and faced the members of the court from a

lower level (Kryk-Kastovsky, 2006a: 164-165). In cases of high treason, a scaffold was erected in the courtroom to symbolise the unequal power positions between the defendant and the rest of the participants. The top seat of this scaffold was reserved for the presiding judge of the trial, the Lord High Steward of England. In addition, opening ceremonies were elaborately and theatrically staged with the aim of creating verbal distance (Jardine, 1832).

The general formality of the courtroom is closely related to the elaborate code of courtroom language, which made "every hearer a part of the world of the courtroom, sealed off from the reality outside, subject to special rules and special ways of thinking and acting" (Lakoff, 1990: 94). The use of language in trial proceedings differs from everyday speech because it was "syntactically and lexically complex, purely verbal, and non-emotional" (Lakoff, 1989: 111). Defendants and witnesses are placed in an institutional setting in which they are confronted with formulaic language in the form of fixed legal phrases and a rigid turn-taking system, and with "a form of communication which contrasts their familiar conversational activity" (Lakoff, 1990: 95). Moreover, legal language has its own register, variety, and formal rules that have to be observed by all participants in the proceedings such as defendants who had to plead correctly using certain phrases. It is important to distinguish between legal language and the verbal interaction of trial participants: the pronoun *thou* was used to offend, to express excitements, and in its formulaic form it was used as part of legal phrases. Consequently, language could be emotional, such as in high treason trials, which displayed language ranging from politeness to sanctioned forms of verbal aggression to impoliteness (Walker, 2007; Archer, 2008; 2011).

In addition to legal expressions, witnesses and defendants communicated differently with other trial participants in terms of predetermined roles and gender. According to O'Barr (1982: 65), language in the courtroom was either expressed in a powerful or powerless style, with hedging, intensifiers, or empty adjectives, such as *this is very kind*, often associated with feminine language. However, EModE language was much more complex than O'Barr (1982) assumes. For example, apologies had the form *I pray*, or *I beseech*, or *I hope* + *excuse me* + the reason for the apology (*"I hope your Worship will excuse my slender skill…*") (Jucker & Taavitsainen, 2008: 237).

Moreover, the correlations between social status, age, and rank appear to have been more important than gender alone in adapting to the formal setting of a courtroom. In particular, the

use of language reflected the social expectations placed on members of the gentry and aristocracy by their social peers regarding polite manners within EModE society, and the predetermined roles in the trial and the resulting power positions. The approach of the present thesis considers this important fact and connects the sociopragmatic features with the specific historical-political context of the particular trial. It is also worth noting that members of the upper social classes and the nobility formed groups of social peers who knew each other well. These personal and political connections between defendants, judges, and members of the prosecution additionally influenced the use of language in the historical courtroom and must therefore also be taken into account.

2.4. Trial participants

Judges

EModE proceedings have fixed legal procedures that give judges the right to conduct the trial and members of the prosecution to present cases and elicit information from the defendant. The latter, in contrast, has the burden of proving his/her innocence. These three groups constantly communicate with each other during trials. Although the judges' main task is to conduct the trial, they also offer legal advice to the defendants and members of the jury. In addition, they give permission to speak with other trial participants, to address the court, to call witnesses, and to make statements. The ideal EModE judge performed the duties of an examiner and cross-examiner, guiding defendants and witnesses through the proceedings. However, problems of biased judges are well known in misdemeanour trials held at the Star Chamber Court (Archer, 2005; Veerapen, 2014). As Archer (2005: 87-88) notes, although defendants were ridiculed and insulted by judges in ordinary criminal trials, there were considerably more acquittals compared to high treason trials (Langbein, 1978: 267). Beattie (1991: 223) also notes that judges in ordinary criminal trials, and usually in high treason trials as well, often did not provide assistance and support to defendants on legal matters or during the trial, when this should have been one of their main duties. With the Act of Settlement of 1701[1], the dismissive attitude of judges in ordinary criminal trials, but not yet in high treason trials, slowly began to change towards a protector of the defendant (Beattie, 2002: 246).

[1] The Act of Settlement (An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject) of 1701 liberated judges from their direct ties to the King.

Defendants

In the historical courtroom, defendants had from a legal point of view the least powerful position during trials. The offender was placed on trial without knowing the exact nature of the charge as stated in the indictment or having access to the testimony of the witnesses for the prosecution. Moreover, defenders had to follow unfamiliar legal rules, were confronted with the formal situation of the historical courtroom, had to defend themselves, and had to examine witnesses. In ordinary criminal cases of the 18th century, the judge acted as examiner and cross-examiner. Although the defendant and the jury could ask questions, they often did so in a completely disorganised manner, bursting out with them, which eventually led to a chaotic trial (Beattie, 1991: 222; Clark, 1967). In contrast, in the EModE period, high treason was perceived as "a crime against God and man, [as] the worst of crimes which comprised all other crimes" (Clark, 1967: 104). This belief was motivated by the threat that the order of the state and the Queen's/King's life were endangered by the actions of the defendant. This argument was not completely untrue because in many high treason trials defendants were of noble birth, courtiers, or former favourites of the monarch and therefore part of the inner royal social circle. This type of perpetrators had a privileged position in the society that enabled them to plot against the sovereign, to raise armies, and to endanger the kingdom. High treason committed by members of the nobility was regarded as an attack on the stability of the government and on the legitimate right of Elizabeth I to the English throne. In the Elizabethan and early Stuart periods, it was crucial that the Queen/King presented a legitimate claim to the English throne for which the support of the English aristocracy was needed. As a result, any high treasonable action had to be ended quickly and the culprits had to be prosecuted harshly. In such cases, the aim of the government and the prosecution counsel was to portray the actions of the defendant in a harsh way to the public (Clark, 1967; Bellamy, 1979), resulting in show trials.

Members of the prosecution

Members of the prosecution counsel, known as King's/Queen's learned counsel, had the task of arguing the case before the judges and jury and presenting evidence by calling and questioning witnesses. In the Elizabethan and early Stuart periods, the King's/Queen's counsel consisted of the Attorney General, the Solicitor General, and a Serjeant-at-law (or the Attorney General and two Serjeants-at-law) (Bellamy, 1979: 146; Langbein, 1978: 266f). In contrast, offenders had to defend themselves without legal counsel and cross-examine witnesses, leading to strong verbal interactions between defendants, members of the

prosecution, judges, and witnesses (Archer, 2005: 88). In high treason cases, the prosecution's aim was to portray the defendant as a dangerous perpetrator who wanted to disturb the peace of the state and endanger the realm (Bellamy, 1979). Therefore, members of the prosecution often used offensive language to argue the guilt of the accused. Some prosecutors also had ulterior motives for their actions, ranging from personal dislike to emphasising their own abilities as prosecutors in the courtroom and to the monarch (Cunningham, 1992).

2.5. Summary

EModE society was based on a strict hierarchical system and fixed rules that divided the population into different social classes, whereas at the same time language was used to connect and differentiate people through word choice. As a microcosm of EModE society, the historical courtroom reflected the current permissible norms and, as a place of hierarchy with legal rules and regulations, was a setting in which trial participants were informed of their rights and obligations through legal language. In this fixed scenery, defendants, as less powerful trial participants, had to defend themselves during the trial. However, some of these perpetrators belonged to the gentry or aristocracy and used to have power and prestige in EModE society. During their trials, they faced accusations and sometimes even abusive language by members of the prosecution who tried to prove their guilt in the courtroom and in public (Wrightson, 2004; Lakoff, 1989; Bellamy, 1979).

In high treason trials, some members of the prosecution portrayed defendants in a harsh and unfair manner when presenting arguments to the court. The prosecution's choice of words reflected both the seriousness of the offence and the personality of the Attorney General, but not always the actions of the defendants. In principle, the main role of judges was to preside over the trial, to educate and assist all parties to the trial, including witnesses, defendants, and members of the jury, by explaining the proceedings of the trial and their assigned roles in it. When analysing EModE trial records, it is important to take into account the social status of the speakers and addressees, the turn-taking system, and (im)polite use of language. Furthermore, the contexts of the trial participants in terms of personal and political relationships and the historical circumstances of the particular trial are crucial (Walker, 2007; Archer, 2005).

The following chapter introduces the theoretical concepts in which the thesis is situated including the fields of historical and sociopragmatics. Some studies in these fields analyse

language use in the contexts of political and historical settings of high treason and ordinary criminal trials and provide a theoretical framework to study language from a diachronic or synchronic perspective. The chapter also introduces corpus pragmatics, which provides tools for studying historical data on a larger scale.

3. Pragmatics in the historical courtroom

The following chapter examines the various definitions of pragmatics and presents the different perspectives in the field. Starting with the development of pragmatics as a scientific concept and the emergence of new branches such as historical pragmatics, sociopragmatics, and corpus pragmatics, it attempts to show the shift of research towards historical data due to the use of large corpora. In the section on historical pragmatics, particular attention is paid to Jacobs & Jucker's (1995) contribution to its development as a linguistic field and its reception from a European perspective, followed by a section exploring the relationship between social context and pragmatics. The chapter concludes with an account of the field of diachronic corpus pragmatics, which offers new areas of research for scholars due to innovative technological advances.

3.1. General pragmatics

Pragmatics is fundamentally concerned with communicative action and its implementation in context. The focus here is on questions such as what action actually is, what can be considered as an action, what a communicative action actually consists of, what conditions must be fulfilled for an action to be successful, and how an action is connected to the context. Additionally, pragmatics is also often referred to as the science of language use, the study of contextual meaning and the study of meaning intended by the speaker. In all these cases, however, the existence of language, language user and context, as well as context-independent meaning, are usually assumed. In order to be able to comprehend the complexity of meaning at all, most definitions therefore do not focus on what pragmatics is and what it does, but rather on what it is not and what it does not do (Fetzer: 2011: 23-24).

Nevertheless, some scholars developed various definitions on pragmatics as a field of study. During the late 1970s and 1980s, when the field developed, pragmatics was characterised as something that was mainly concerned with spoken language, associated with “speaker meaning” or “contextual meaning” (Leech, 1991). Yule (1998), for example, suggests the following:

> Pragmatics is concerned with the study of meaning as communicated by a speaker (or writer) and interpreted by a listener (or reader). It has, consequently, more to do with the analysis of what people mean by their utterances, than what the words or phrases in those utterances might mean by themselves. Pragmatics is the study of speaker meaning. (Yule, 1998: 3)

Thomas (1995: 22) took this further and emphasises the understanding that pragmatics should investigate meaning in interaction. She considers the making of meaning as a dynamic process involving the "negotiation of meaning between speaker and hearer, the context of utterances (physical, social and linguistic) and the meaning potential of an utterance". Consequently, the context and possible goals of the speaker have to be related to the historical, political, or social context of an utterance in order to comprehend the utterance correctly. Archer (2010: 405) develops this concept further and proposes a model that connects the speaker with the sociocultural context. In her studies (2008; 2011), she focuses particularly on sociopragmatic features (age, gender, social status) when analysing data from the historical courtroom.

The importance of the context of an utterance is also discussed among scholars, but defined differently by the Anglo-American and Continental European branches of pragmatics (Culpeper, 2010; Jucker and Taavitsainen, 2013; Huang, 2014). The Anglo-American approach to pragmatics, also called "the component view" (Taavitsainen, 2015: 254) or "theoretical pragmatics" (Chapman, 2011: 5), is rooted in the field of philosophy, influenced by works of L. Austin, H. P. Grice, and John Searle (Huang, 2014: 6), and has developed from Charles Morris' definition of pragmatics as "the study of the relation of signs and interpreters" (Mey, 2001: 4). The method defines linguistics as a concept based on core components such as phonetics, phonology, morphology, syntax, and semantics with a precise area of study (Huang, 2014: 4). This restricted approach understands linguistic fields such as anthropological linguistics, educational linguistics, and sociolinguistics as outside the core elements. Consequently, the analysis is reduced to the utterance message in terms of "how certain linguistic elements refer to the context of language use" (Jucker & Taavitsainen, 2013: 3).

The opposed Continental European view, also called "social pragmatics" (Chapman, 2011) or "perspective view" (Huang, 2014), favours a social pragmatic framework with a broader sociological perspective (Taavitsainen, 2015: 253; Verschueren and Östman, 2009). The approach advocates the inclusion of extra-linguistic features in the study of the meaning of communication (Mey 2001). In agreement with Mey's (2001) model, Taavitsainen and Jucker state that "social parameters of those involved, their age, gender and social status, as well as the prevailing societal norms of upbringing and conduct" (2015: 6) need to be taken into account. Studies with a broader perspective are more likely to include non-linguistic features

such as social class, gender, or age and focus on (im)politeness or speech acts, for example. Following this argument, the present study emphasises the view that reducing the analysis to the plain utterances of the trial participants without considering the context would limit the results of the study enormously (see Chapter 5.1.). Therefore, reliable data that is rich in "contextual information about the conversationalists and the context in which the interaction takes place" (Jucker & Taavitsainen, 2013: 3) have to be analysed.

Overall, both opposed perspectives on pragmatics have their strengths: the Anglo-American branch evaluates philosophical, cognitive, and formal pragmatics, whereas the European line focuses on empirical work, socio-, cross-, intercultural, and interlanguage pragmatics. As Huang (2014: 7) advocates, it is a valuable development to have different approaches and methodologies to study topics from different angles.

With regard to the present study, social features are crucial elements in assessing the linguistic behaviour of trial participants in the EModE courtroom because, firstly, the study draws on data from a sociopragmatically annotated corpus, the extended version of the *Socio-Pragmatic Corpus* (*SPC*); secondly, the thesis examines historical trial proceedings with a focus on politeness features and non-linguistic characteristics such as social status, rank, political and religious issues. Within the discussion of the two contrasting views of pragmatics, the thesis positions itself within the European tradition of pragmatics.

To sum up, when examining linguistic features related to the use of language in the historical courtroom, the analysis of the context of utterances in a broader sense is the best starting point. Elements such as age, social status, and the role of the trial participant are important parts of the analysis of utterances and need to be examined in the context of the specific circumstances of the individual trial. However, trial participants were also part of EModE society and, therefore, bound by the social norms in place. Consequently, social status and the power position in the EModE society (macrocosm) have to be explored and compared with the preassigned roles during the trials. The present study links non-linguistic features with the linguistic analysis of pragmatic features such terms of address, insults, or choice of pronouns. Comparing and contrasting these elements provides a better understanding of EModE language use in the historical courtroom in the context of historical and political events.

3.2. Historical pragmatics, sociopragmatics, and corpus pragmatics

The following subsection introduces individual branches of pragmatics such as historical pragmatics, sociopragmatics, and corpus pragmatics, which are essential to the objective of the study. These disciplines constitute the foundation of the methodological framework used for the qualitative and quantitative analyses of the data-based study of the thesis (see Chapters 6-8).

By definition, general pragmatics is concerned with the use of language in communication, examining grammar and pragmatics (Leech, 1991: 11). Marmaridou (2011) distinguishes between pragmatics, which focuses on language and the interaction of the Cooperative and Politeness Principles, and grammar as an abstract, formal system of language (consisting of phonology, syntax, and semantics) (Marmaridou, 2011: 82-84). In contrast, politeness must be considered in the contexts of cultures, language communities, social situations, and social classes. Consequently, Leech's (1991: 10) general definition of pragmatics is closer to sociopragmatics (Archer, 2005: 4; Marmaridou, 2011: 83), whereas pragmatics has to be divided into three areas reflecting the focus of the discipline in question (Figure 1).

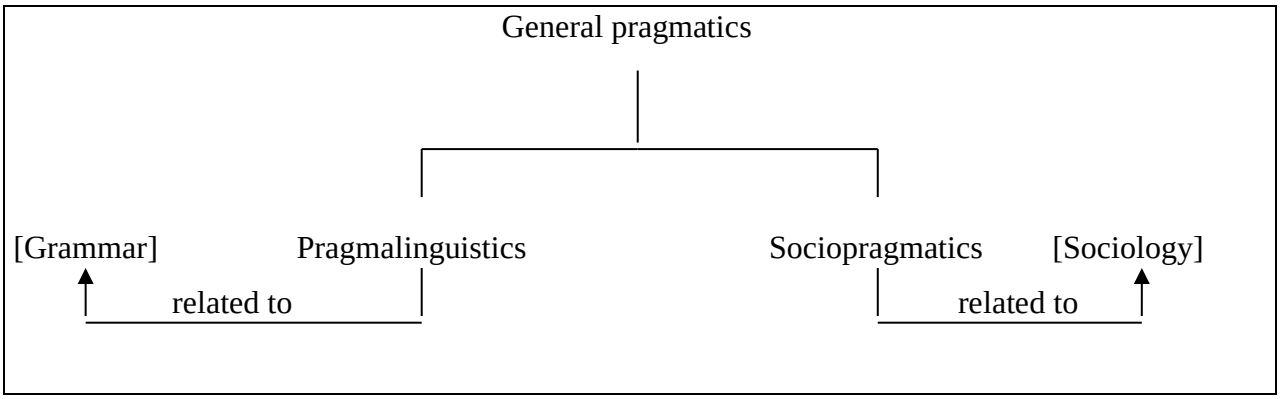


Figure 1: Leech's perspective on pragmatics (1983: 11)

Figure 1 depicts the field of general pragmatics as "the general conditions of the communicative use of language" (Leech, 1991: 10) and pragmalinguistics as "the particular resources which a given language provides for conveying particular illocutions" (Leech, 1991: 10), namely pragmatic meaning. In contrast, sociopragmatics relates pragmatic meaning to social rules, appropriate norms, discourse practices, to the accepted behaviour of a community, or to the participants of utterances (Marmaridou, 2011: 77). Archer (2005: 5) adapts Leech's model for the study about questions and answers in the EModE courtroom by adding a particular focus to each branch of Leech's Figure (see Figure 2): pragmalinguistics is

linked to grammar and sociopragmatics interacts with sociology. Both models show that neither pragmalinguistics nor sociopragmatics are subcategories of general pragmatics.

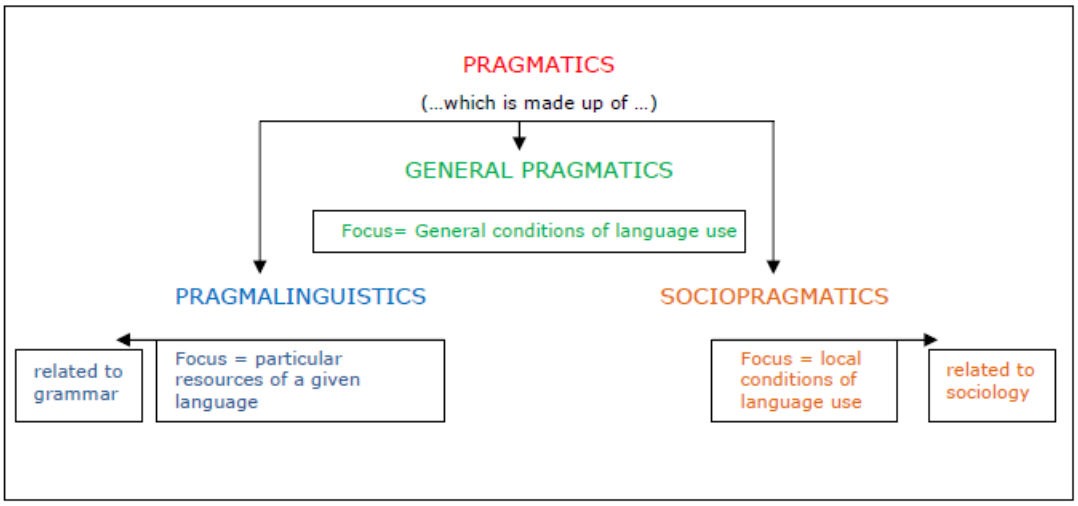


Figure 2: The branches of pragmatics according to Archer (2005: 5)

With regard to the thesis, the present study adopts a sociopragmatic framework for the analysis of trial proceedings from the EModE period with the aim of examining (im)politeness features in context and in relation to non-linguistic elements such as age, gender, social role, rank, and the historical and political contexts of the particular trial. The next subsection introduces the discipline of historical pragmatics with Andreas Jucker's model (1995) as a representative of the European perspective. The thesis uses this concept because it allows the use of (im)polite language in the historical courtroom to be examined with approaches such as form-to-function and function-to-form mapping against the individual context of each trial.

3.3. Historical pragmatics according to the European perspective

Historical pragmatics, a relatively young linguistic field whose data and studies range from Old English to Present-day English developed from the disciplines of historical linguistics and pragmatics with the aim of assessing pragmatics from a historical perspective. According to the concept, language use must be examined in terms of how meaning was produced in relation to the context and the interlocutors of utterances. However, communication is multi-layered and includes linguistic features, the genres and registers of texts, but also the historical backgrounds and cultures in which utterances were made. Taking these layers of contexts into account, researchers need to examine how meaning was produced (Jucker & Taavitsainen, 2013: 32).

The starting point of historical pragmatics as a linguistic discipline can be placed with Jacobs and Jucker's publication "Historical pragmatics" in 1995 and in combination with new research methods that extended the interests to historical language use. At the same time, new technologies offered the possibilities of using historical data on a larger corpus-based scale, incorporating qualitative and quantitative methods (Jucker, 2008: 895).

The goals of the established linguistic field were as follows:

- the description and the understanding of conventions of language use in communities that once existed and that are no longer accessible for direct observation
- the description and the explanation of the development of speech conventions in the course of time.

(Jacobs & Jucker, 1995: 6; Bax, 1981: 425).

Through the research of Jacobs and Jucker's (1995) the field of historical pragmatics finally acquired a clear structure that distinguishes between the strands of pragmaphilology and diachronic pragmatics that includes the two mapping strategies: form-to-function and function-to-form (Jacobs & Jucker, 1995; Jucker, 2008) (Figure 3).

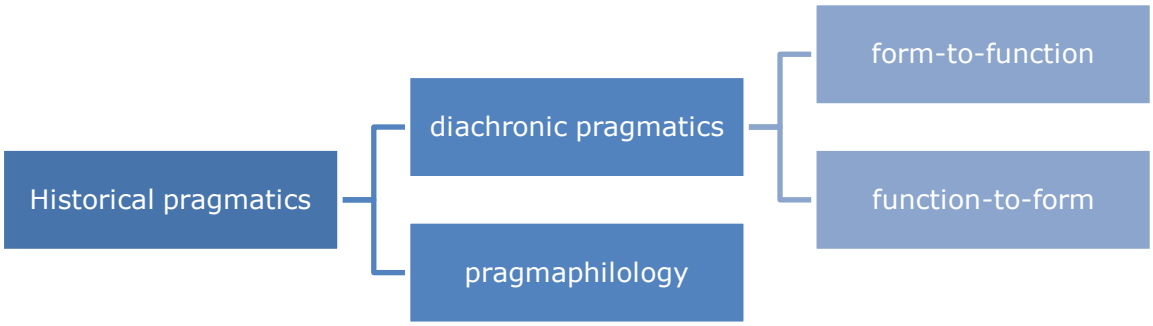


Figure 3: The branches of historical pragmatics according to Jacobs and Jucker (1995)

The branch of pragmaphilology describes "the contextual aspects of historical texts, including the addressers and addressees, their social and personal relationship, the physical and social setting of text production and text reception, and the goal(s) of the text" (Jacobs and Jucker, 1995: 11). The concept provides the theoretical framework for research questions on pragmatic functions such as context-bound or negotiated meanings (Jacobs & Jucker, 1995: 11; Mazzon, 2016: 54). Diachronic pragmatics, as the second branch of historical pragmatics,

is concerned with how language changes and with the stages of its development. In other words, the discipline focuses on "the linguistic inventory and its communicative use across different historical stages of the same language" (Culpeper, 2010: 77). The two common approaches of the branch, as shown in Figure 3, are form-to-function and function-to-form mapping. Form-to-function mapping aims to represent the changing discourse meaning of discourse markers or relative pronouns, for example. In contrast, function-to-form mapping draws attention to the changing realisation of function. The analysis starts from functional categories and explores the range of elements that can be used to perform this specific function (Jucker & Taavitsainen, 2013: 43; 46).

However, the boundaries between pragmaphilology and diachronic pragmatics are blurred and this is further complicated by the fact that the original separate categories of synchronic and diachronic approaches have also disappeared. Studies such as those by Hope (1993) and Walker (2007) are relevant to the thesis as they examine the two pronouns of the second person singular *you* and *thou*. For example, Walker (2007) draws on form-to-function mapping when she examines *thou* and *you* from a diachronic perspective. In her work (2007), she explores the development and changes of these two pronouns over the EModE period and examines their choice by speakers in different genres (drama comedy, trial proceedings, and depositions). The results of Walker's (2007) study, based on data from *A Corpus of English Dialogues 1560-1760* (*CED*) (see Chapter 5.3.1.), suggest that non-linguistic features influence pronoun choice. According to the results, the decision to use *you* or *thou* depended more on extralinguistic elements than on linguistic reasons. In high treason trials, for example, the same person in the role of the defendant was addressed as *you* and as *thou* when accused of being a *traitor* (Walker, 2007)

Similar approaches to the historical courtroom are found in the studies of Archer (2005) and Kryk-Kastovsky (2006a; 2006b). Archer (2005) examines questions and answers in EModE trials, referring to a range of different trial types such as bigamy, murder, forgery, treason, libel, etc. In her research, she uses an original sociopragmatic annotation scheme that is able to view contexts as dynamic by examining sociopragmatic features such as age, gender, rank, and social status, of speaker and addressee (Archer 2005: 291). Using the newly compiled trial sections of the *Socio-Pragmatics Corpus* (*SPC)* from 1640 to 1760 (see Chapter 5.3.2.), Archer (2005) examines question strategies in the courtroom and how they changed diachronically.

Kryk-Kastovsky (2006a) also focuses on discourse in the historical courtroom and examines various turn-taking systems, physical settings, legal language, and the asymmetrical power positions of EModE trial participants. Although Kryk-Kastovsky (2006b) considers the socio-historical background of the analysed data and the prestigious social positions of the defendants in her research on impoliteness, she emphasises the superior power position of the judges compared to those of defendants, and, therefore, applies her findings mainly to the asymmetrical power relations in the courtroom. Kryk-Kastovsky (2000b) fails to examine the wider background of trials such as a judge's personal dislike of a defendant. By distinguishing between structural impoliteness, similar to Culpeper's et. al. (2003) bald-on-record impoliteness, and pragmatic impoliteness, she often examines impoliteness in terms of epithets or through questioning strategies (yes/no, wh-questions) and less through the concept of sarcasm, for example. Although Kryk-Kastovsky (2000b) notes that Judge Jeffrey acted with the King's approval, she associates the court's use of epithets mainly with the judge's ill-tempered personality. Whether this observation is correct or not is difficult to prove, because the small database, which includes only two trial records from 1685 with the offences of perjury and high treason, limits her study and underlines the biased view of the EModE courtroom as a place where defendants from the nobility were victims of insults and at the mercy of the more powerful judges. Moreover, Kryk-Kastovsky examines the data without corpus linguistic methods such as frequency word lists or concordance searches.

Lutzky (2019) also explores the historical courtroom when examining the discourse marker *but*. In her study (2019), she uses the sociopragmatically annotated trial records of the extended *SPC* (1560 to 1760) and emphasises the importance of corpus annotation in providing sociopragmatic information, especially social roles. Lutzky's (2019) view supports the objective of the thesis that non-linguistic features are crucial for the study of the EModE courtroom. Moreover, her findings suggest that the functions of *but* are aligned with the needs of the speakers for narratives or defence, which either indicate a change of addressee or introduce topic shifts. With regard to the defendants, her findings underline the approach of the present study that social ranks and, consequently, the contexts of trials are essential factors to consider when studying the historical courtroom.

Quite differently from Kryk-Kastovsky (2006b), Jucker & Taavitsainen (2000) approach the topic of the use of impoliteness by examining it through diachronic speech act analysis in the history of English. Jucker & Taavitsainen (2000) examine Old English ritual insults, look at

Chaucer's Canterbury Tales, Shakespeare's plays, 17th century court records, but also at forms of insults in modern society. They distinguish between conventionalised insults such as slanderous remarks, which are recognised by all members of a speech community, particularized insults, which depend on the addressee's reaction, and unintentional insults (Jucker & Taavitsainen, 2000: 76). The study starts with a simple definition of an insult and adds several dimensions of features such as ritual, conventional, aggressive, which allow Jucker & Taavitsainen (2000) to examine insults in a specific setting and with a "basic uniformity of pragmatic meaning" (Kohnen, 2015: 55).

The corpus-based study by Jucker & Taavitsainen (2008) examines the realisation of apologises in Renaissance English and shows how speech acts have changed over time, using data from the Renaissance fiction and drama section of *LION*, the *Chadwyck Healey on-line Corpus (1500-1660)*. The study investigates expressions such as *sorry*, *pardon*, *afraid*, *forgive* and proposes the idea that apologies in the Renaissance period were less routinised compared to contemporary English, exhibiting "a higher level of negative politeness" (Jucker & Taavitsainen, 2008: 242). The usual form of apologies in this period had the form *I pray*, or *I beseech*, or *I hope* + e.g. *excuse me* + the reason for the apology (*"I hope your Worship will excuse my slender skill*…") (Jucker & Taavitsainen, 2008: 237) and was embedded in a more complex form compared to today.

In summary, the thesis is situated in the field of historical pragmatics and the branch of diachronic pragmatics. The notion of historical pragmatics is used to examine language use by defendants, members of the prosecution, and judges, during high treason and ordinary criminal trials. Focusing on linguistic features such as forms of address and epithets that are generally used to achieve (im)politeness, the present study uses form-to-function mapping and draws on the findings of the study by Jucker & Taavitsainen (2008), who examine clusters such as *I pray you* or *I beseech you*, which were frequently used by defendants to express requests to the court or judges in a respectful way. In contrast, politeness models (see Chapter 4) discussed and applied to the data are based on function-to-form mapping.

With regard to the EModE courtroom, the present study draws on the research of Hope (1993) and Walker (2007) on the pronouns *you* and *thou* but, as mentioned above, also includes studies from the field of (im)politeness research. Furthermore, when investigating insults or offensive language, the thesis argues that impoliteness in the historical courtroom is not

expressed exclusively through epithets. In agreement with Jucker & Taavitsainen (2000), it is more likely that impoliteness is realised in a figurative sense in such cases. Therefore, a possible offensive meaning can only be identified by examining the context of an utterance or conversation. The importance of the socio-historical context of utterances can also be found in Kryk-Kastovsky's (2006b) study on impoliteness in the historical courtroom. The thesis broadens this view by focusing on the trial participants and their preassigned roles and contrasting these positions of power with those outside the courtroom, namely the EModE society. Following the Continental view of pragmatics and the influence of extra-linguistic features such as gender, age, social status, and rank the thesis draws on Archer's (2005) study of trial participants' question and answer strategies. The data for Archer's (2005) research is based on the *Socio-Pragmatic Corpus* (*SPC*) (1640 to 1760), which provides sociopragmatically annotated information (age, gender, social status, role) on all trial participants (speakers/addressees). The present study broadens her findings by focusing on the predetermined roles of the trial participants, the different types of trials, and the importance of the historical and political contexts of the trials. The original approach of the thesis allows the historical courtroom to be explored from different perspectives.

3.4. Historical sociopragmatics

Historical sociopragmatics, a discipline of pragmatics (Leech 1983: 11; Archer 2005: 5), focuses on "the way in which speakers exploit such norms to generate particular meanings, take up particular social positionings" (Culpeper 2010: 73). Consequently, this discipline is concerned with norms related to specific social circumstances. Archer (2005: 7) states that historical sociopragmatics "seeks to investigate examples of local language use from a specific time in the past in a way that takes account of the cognitive, social and cultural contexts influencing the interaction" (Archer 2005: 7). In other words, the concept examines the dynamic interactions between participants by incorporating the "socio-historical/cultural/ linguistic background" (Verschueren 1999: 109) with a focus on gender and different social classes (Mazzon 2016: 56).

The present study also draws on the concept of historical sociopragmatics by including non-linguistic features into the analysis. Such characteristics are social status, rank, gender, personal background, and power dynamics in interactions. Consequently, these components from the field of interactional sociolinguistics offer new insights into dialogue studies (Mazzon 2016: 56). Culpeper and Semino's study (2000) of the construction and perception

of witch curses performed during EModE trials argues for the importance of the specific political and historical contexts of trials. Following Levinson's concept of activity types (Culpeper 2009: 181), the study (2000) suggests that witch-hunting was a culturally recognized activity which based on specific circumstances such as the location of trials or the trial process itself (Culpeper and Semino 2000: 111; 114). It is therefore consistent with Levinson's concept of activity types. The results indicate that numerous utterances of the accused women were interpreted as curses of witches due to the application of "the 'witchcraft activity type' to past verbal exchanges" (Culpeper & Semino 2000: 111; 114). As a result, verbs such as *wish* or *curse* uttered during trials were interpreted according to the specific circumstances of the trial.

Overall, the present study is situated in the field of (historical) pragmatics with the aim of examining the utterances between trial participants in the EModE courtroom. Historical sociopragmatics assumes that social, linguistic, and cultural settings influence verbal interactions between speakers and addressees. The thesis follows this concept and argues that interactions between defendants, members of the prosecution, and judges need to be considered in the context of the individual trial and the historical-political background in order to understand word choice and verbal behaviour. Consequently, the study suggests that the influence of non-linguistic features (social class or rank) on linguistic behaviour between trial participants has to be considered. As presented above, the study draws on various pragmatic concepts (historical pragmatics and historical sociopragmatics) using both form-to-function and function-to-form mapping. The thesis employs corpus data that are sociopragmatically annotated and also examines the historical background of each trial. Consequently, the novel approach of the study emphasises an interdisciplinary research topic that applies several methodological concepts from (im)politeness models and the field of pragmatics to the data. The combination of various linguistic disciplines enables the thesis to provide a detailed overview of language use in the EModE courtroom. It can be argued that the analysis of linguistic features is not sufficient without considering the contexts of the utterances, and that a combination of several linguistic concepts strengthens the methodological approach of the study. The following section presents an overview of the field of (historical) corpus pragmatics, a combination of corpus linguistics and pragmatics.

3.5. Diachronic corpus pragmatics

Corpus-based research can be traced back to the 1940s, although during this time linguists such as Boas, Sapir, Newman, Bloomfield, or Pike used "shoeboxes filled with paper slips" (McEnery, Xiao, & Tono, 2006: 3) instead of computerised data collections. Even though their repertoire of materials consisted of written or transcribed texts, their methodology was nonetheless empirical and based on observed data and can therefore be descripted as corpus-based (McEnery, Xiao, & Tono, 2006: 3). In the field of historical pragmatics, a corpus can be defined as "a collection of texts or parts of texts upon which some general linguistic analysis can be conducted" (Meyer, 2002 xi; qtd. in Kytö 2010: 34). Basically, corpora are able to provide empirical support, for example to test hypotheses, they provide frequency information and give non-linguistic information such as age, gender, etc. about the corpus data. They offer the user the possibility to structure, annotate, and search large amounts of text. Corpus linguistics as a technique is designed for the qualitative and quantitative study of corpus data. From a methodological point of view, corpus linguistics is rather a mixed concept, involving both extensive quantitative analyses with the use of computers and qualitative analyses. In contrast, pragmatics focuses more on qualitative analyses, but has a long tradition in quantitative work. Therefore, these two fields of research have often been perceived as "mutually exclusive and excluding" (Romero-Trillo 2008: 2). However, as Rühlemann and Aijmer (2015: 3) point out, corpus studies have fundamentally changed the foundation of linguistics.

Originally, pragmatic research methodologically relied on the evaluation of qualitative text analyses in the form of horizontal reading, whereas the discipline of corpus linguistics offers the possibility of vertical reading by means of a "key word in context" (KWIC) format, in terms of concordance search. This tool scans the entire corpus for all the occurrences of the studied expression with its co-text and allows the researcher to examine large amounts of data by searching the concordance line instead of the entire text passages. The vertical reading method also presents a frequency list of words in relation to the number of instances found in the corpus (Rühlemann & Aijmer, 2015: 3-7; Jucker & Taavitsainen, 2013: 46).

In corpus linguistics there are two main research approaches, the top-down method is concerned with a linguistic feature or grammatical category such as modal verbs, whereas the bottom-up technique examines the data in terms of "what the material yields as a means of expressing the researched feature, such as modality or expressions of stance" (Jucker &

Taavitsainen, 2013: 43). While corpus-based studies usually use top-down methodologies, corpus-driven studies are based on bottom-up research. Studies in historical pragmatics usually start with the top-down method, and then the data are examined for additional features that were previously unnoticed. Furthermore, corpus linguistic software provides automatic standardisation of spelling variants in texts, revealing textual patterns that are not discernible with regular qualitative methods (Jucker & Taavitsainen, 2013: 43; 46).

Overall, corpus pragmatics is a combination of pragmatics and corpus linguistics with research efforts that usually combine vertical and horizontal analyses. Although methods such as form-to-function and function-to-form mapping can be used to study speech acts, it is important to note that speakers do not only perform speech acts, but also use expressions such as *threaten* or *request* to talk about them. Corpus pragmatics offers the possibility to search for such terms and analyse the specific contexts. For example, a vertical line runs down the page from top to bottom (vertical reading) and shows the term searched for, whereas in addition its context (concordance search) appears to the left and right of it (horizontal reading) (Rühlemann & Aijmer, 2015: 9-10).

The development of corpus linguistics eventually influenced other linguistic fields as well. With the compilation of corpora with historical data such as the *CED* corpus-based studies, for example Walker (2007), focus on diachronic developments. In addition, the field of pragmatics has expanded thematically as analyses have moved to the study of new languages, regional varieties, new text types, spoken or written registers. This form of expansion of research interests is closely connected to the development of new corpora that offer the possibility to study pragmatic features in different text types and situations (Rühlemann & Aijmer, 2015, 5). With the introduction of sociolinguistic corpora, such as the *SPC*, researchers have the opportunity to gain sociopragmatic information about the age, gender, rank, and social class of the speaker and the addressee. As a result, the field of diachronic corpus pragmatic developed, combining historical linguistics, pragmatics, and corpus linguistics (see Figure 4) (Jucker & Taavitsainen, 2014: 4).

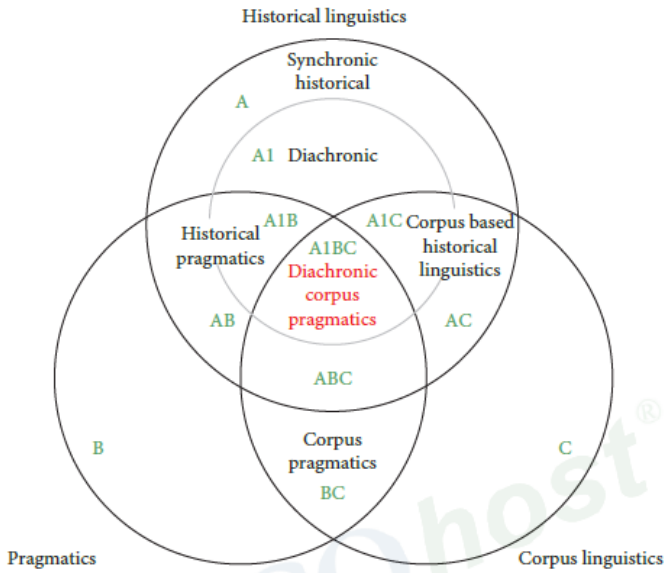


Figure 4: Historical linguistics, pragmatics and corpus linguistics and their intersections (drawn from Jucker and Taavitsainen, 2014: 4)

Figure 4 shows the components of the three research fields of pragmatics (circle B), corpus linguistics (circle C), and historical linguistics (circle A). The overlap of B and C (BC) signifies corpus pragmatics, whereas historical corpus pragmatics (A1BC) represents the intersection of all three research fields (Jucker & Taavitsainen, 2014: 4). The present study is built on a synchronic data-based approach, drawing from the fields of historical pragmatics, sociopragmatics, and (im)politeness research.

3.6. Summary

The chapter provides an overview of developments in the field of pragmatics, a discipline that originally began as a field of research investigating the meaning of spoken language and context. Over time, new branches developed that focused on language use in the past such as historical pragmatics, which revolutionised the field of pragmatics. With the recognition of the importance of different types of contexts (social, historical etc.) the perspective on language use broadened. With the introduction of corpora, research interests changed in line with the new possibilities and at the same time blurred the previously fixed boundaries between disciplines. Overall, the present study situates the research topic within several research fields, such as historical pragmatics and sociopragmatics, as the data of the study draws on EModE trial records from a sociopragmatically annotated corpus. The thesis also applies form-to-function and function-to-form mapping and uses different notions of (im)politeness (see Chapter 4) for the quantitative and qualitative analyses.

The following chapter provides an overview of the different concepts of (im)politeness in general and a possible application to the EModE courtroom in particular. The individual sections explore the notions of face, power and solidarity, and postmodern models that discuss the contexts of utterances and examine the connection between the preassigned roles of trial participants in terms of power structures.

4. Concepts of (im)politeness

Following the chapter on pragmatics in the historical courtroom, this section discusses various theories of (im)politeness with regard to their possible application to analyse EModE trial proceedings. Following the distinction brought forward by Terkourafi (2005), the different concepts of (im)politeness can be divided into the group of traditional approaches (first wave) such as those of Lakoff (1973), Leech (1983), Brown and Levinson (1987), or Brown and Gillman (1967) and the postmodern approaches (second wave) represented for example by the research of Watts et. al (1992), Mills (2003; 2005), Culpeper (2011a; 2011b), or Archer (2008; 2011). Their notions provide further insight into what should be considered polite and what should be regarded as impolite from different perspectives, and are briefly discussed in this chapter. The present study adopts Grainger's neo-Brown and Levinson approach (2018) (third wave) (see Chapter 4.7.) to the analysis of EModE trial records, which focuses on contexts in terms of the identities, roles and relationships of speakers and addresses. In order to better understand the personal, political and social relationships and social perception of the roles of defendants, prosecutors, and judges in society and during the trial proceedings, the norms and regulations of EModE society are discussed first.

The three cornerstones of EModE society were wealth, status, and power (Wrightson, 2004). While wealth and status were closely connected to family and kinship, power can be based on wealth, status, or political and personal connections to people of influence (cf. Max Weber's conception of social power). The Elizabethan courtier is the best example of a man whose influential position was given and taken away by the monarch. In the late Elizabethan and early Stuart periods, some of the Queen's or King's favourites, such as the Earl of Essex, became *traitors* in the eyes of the monarchs and thus lost their previous privileged social positions (Wilson, 2011; Bellamy, 1979; Edwards, 1868). In contrast, others could become powerful by serving the monarch in less obvious ways. For example, Sir Robert Cecil became Queen Elizabeth I's minister in 1598 and Secretary of State in 1596[2]. When such influential people in EModE society met each other in society, their manners in conversation had to be refined and polite. They would have exchanged requests and compliments despite personal animosities because the social classes to which they belonged dictated the social manners.

[2] After the execution of the Earl of Essex in 1601, who was Elizabeth I's favourite and Cecil's rival for power, Cecil began advising King James VI of Scotland on how to gain Elizabeth I's favour. After her death in 1601 and James' succession as King of England, he remained Secretary of State and was made Viscount Cranborne in 1604 and Earl of Salisbury in 1605 (cf. Somerset, 2002; Nicholls & Williams, 2011).

However, the question can be raised as to how these people would have used language if they had met on opposite sides of the bar during trial proceedings.

It is important to note that the historical courtroom, as illustrated above, was a formal setting characterised by strict norms and a syntactically and lexically complex legal language that was devoid of emotions (Lakoff, 1989: 111). At the same time, however, the aim of any high treason trial was to portray the defendant as a threat to the state and its order (Clark, 1967: 104) resulting in a use of language reminiscent of show trials with high emotions, emotional outbursts, and occasionally defamatory statements. Consequently, when property was threatened by peasant uprisings or treasonable acts by members of the nobility, the criminals were severely punished and publicly tried in the courtroom to maintain order and peace, which were essential for the nobility to protect their lands and property (Wrightson, 2004: 31-32; 157-158). In such show trials, the social positions and ranks that determined society and manners in EModE may have also influenced the use of language during the trials, especially because each participant was assigned a certain role, as defendant, member of the prosecution, or judge, which strengthened or weakened one's position during the trial and possibly contrasted with one's social position outside the courtroom. The present study argues that non-linguistic factors such as social status and the specific historical and political backgrounds of each trial influenced the choice of words in the individual trial, in case all participants belonged to the same or similar social classes.

In the following subsections, the main frameworks that support the analyses of the EModE trial records are presented. In addition, some selected concepts of (im)politeness that were used to a lesser extent for the historical data analysis are presented. First, however, an attempt will be made to discuss a definition of what can be assessed as (im)polite language.

4.1. What is (im)politeness?

The definition of what *politeness* is, how it can be distinguished from *impoliteness* and *rudeness*, or how these concepts are connected to power have been debated by scholars (Watts et. al., 1992; Culpeper 2011a; 2011b; Brown and Levinson 1987; Jucker 2020; Terkourafi 2005) for decades (Nevala, 2010: 421ff). However, as Jucker (2020: 3) points out, it is crucial to first distinguish between *(im)politeness* as an everyday term, namely how (im)polite

behaviour is evaluated and commented on by lay people[3], and *(im)politeness* as a technical term[4] associated with (im)politeness theories and (im)politeness research. If one looks at the terms (im)polite and (im)politeness in everyday contexts and from the perspective of native speakers, the "semantics of the lexical entry politeness […] sheds light on social members' perception and classification of politeness" (Kasper 2003: 2; Jucker 2020: 4). This is in particular important when analysing historical data (see Chapter 4.2.). However, it is difficult to identify politeness based on lay people's definition, yet Watts (2003:14) argues that a "fundamental aspect of what is understood as 'polite' behaviour in all […] cultures is the display of consideration for others". An approach that can also be found when looking at (im)politeness from a pragmatic perspective (Culpeper: 2011b: 396).

In general, it can be argued that utterances that obey politeness rules are perceived as polite, whereas impolite utterances cause offence. Watts (2003; Watts et. al., 1992) examines how politeness is expressed linguistically and explores how politeness can be distinguished from mere politic behaviour (Watts et. al., 1992: 51), drawing attention to the importance of norms, appropriateness, and social constraints. However, he also argues that politeness is as "a slippery, ultimately indefinable quality of interaction which is subject to change through time and across cultural space. There is, in other words, no stable referent indexed by the lexeme polite" (Watts, 2005: xiii). While this fact complicates the definition of (im)politeness, it also makes it much more interesting to study (im)politeness, especially from a historical perspective.

When studying (im)politeness, one has to start by defining (im)politeness as a verbal or non-verbal interaction between people. Such communication consists of the way in which a speaker makes an utterance and the way in which the recipient evaluates and reacts to that utterance (Nevala, 2010: 419). Consequently, impoliteness, for example, can be defined as "a negative attitude towards specific behaviours occurring in specific contexts. … Such behaviours always have or are presumed to have emotional consequences for at least one participant, that is, they cause or are presumed to cause offence" (Culpeper, 2011a: 23). When examining (im)politeness, the connection between (im)polite behaviour and the use of certain "linguistic or behavioural forms that are (conventionally) associated with contexts in which

[3] This is also called first-order politeness or politeness$_1$ (see Chapter 4.5.; Watts et. al 1992: 3)
[4] This is also called second-order politeness or politeness$_2$, (see Chapter 4.5.; Watts et. al 1992: 3)

(im)politeness attitudes are activated" must be taken into account (Culpeper 2011b: 429). Kádár & Culpeper (2010) define linguistic (im)politeness as follows:

> […] how a person's feelings and sense of self are supported or aggravated in conversation. For example, the social impact of a request or a criticism might be softened by a particular choice of words, and that choice of words might be influenced by the relationship between the participants and the sociocultural context of they are part.
>
> (Kádár & Culpeper, 2010: 9)

Kádár & Culpeper's (2010) definition advocates that (im)politeness, with the exception of epithets, is not inherent in certain linguistic forms or cannot be reduced to a specific choice of words. Rather, it is important to consider the context of an utterance, the setting of a conversation, for example the historical courtroom, a possible personal connection between speaker and addressee, and any form of power and/or solidarity between them. Linguistic politeness derives from experience of social interactions and involves the use of expressions that are both contextually appropriate and positively evaluated by the addressee. However, researchers studying historical (im)politeness face the challenge of evaluating the choice of words and the context of an utterance in a historical setting, such as the EModE courtroom, from a contemporary perspective. Moreover, the conversations themselves are only available in written form, and the meanings of words have also changed over time and need to be considered. Scholars must take all these aspects into account when analysing conversations and evaluate them in a historical context. In addition, with regard to linguistic politeness, this means that the mere use of linguistic forms conventionally associated with either politeness or impoliteness, such as the two second-person pronouns *you* and *thou*, does not indicate whether polite or impolite linguistic behaviour is occurring or has been achieved (Culpeper 2011b: 429).

Consequently, researchers agree that politeness cannot be evaluated in a void, but must be assessed contextually. This means that any assessment of other people's behaviour must be made in context of the norms of the society concerned (Spencer - Oatey 2000; Watts 2003; Holmes 2012), as well as, for example in historical court cases, in accordance with the historical, social, cultural, or political contexts of the utterances. However, while fictional language such as in a play allows a better insight into the hidden motives of the characters and enables the investigation of the speaker's intentions, the situation is different when analysing actual speech behaviour. In such cases, researchers have to take the communicative behaviour

at face value, as they have no or limited access to the actual motives of the speakers. Consequently, many analysts studying concepts of politeness or impoliteness advise against examining the speaker's intention, as this is always based on speculation and never on evidence (see Jucker 2020: 98-99; Culpeper 2011a: 117-126).

4.2. Historical (im)politeness

Due to the significance of ascribed social status in the EModE period, elaborate politeness rituals developed for each degree of hereditary nobility. The term *politeness* was closely connected to social behaviour of members of the gentry and aristocracy, whereas the aim of *polishing and refining* education and social behaviour traced back to the 15th century (Kasper, 1996: 2; Watts, 2011: 112). People in the Elizabethan period appreciated the elusive and complex task of expressing appropriate deference in conversation. This endeavour was accomplished by means of forms of address, including titles, and expressing requests indirectly. For example, an indirect request can be introduced by the phrases *I pray you, pray you, prithee, I do require that, if you will give me leave, I do beseech you, I entreat you,* or *I beg leave*, an accusation by *I accuse you,* or an apology by *pardon me for*. In other words, certain phrases (word clusters, lexical bundles, multi-word-combinations) denote certain speech acts (Culpeper & Kytö, 2010: 103; 2002; Demmen, 2009), which often serve as a starting point for the study of (im)politeness (form-to-function mapping). Those speech acts can be forms of address (*Sir, your Lordship*, etc.) that are generally used to achieve politeness, insults/epithets (*sirrah, traitor* etc.), conventional or formulaic expressions (*thank you, excuse me, I pray you*, etc.), or, for example, apologies (Eelen, 2001: 35; Jucker & Taavitsainen, 2008: 242).

Moreover, the EModE period was a time characterised by increasing social mobility between ranks, leading to rapid changes in social behaviour. These changes are reflected not only in the choice of words but also in the social roles of the speaker and the addressee in a given context, and their relationship to each other can be marked by "temporary shifts in intentionality and power" (Nevala, 2010: 419). This also includes the notions of power and solidarity (social approach), the context of the situation, the emotional level (functional approach), or a combination of these concepts (Nevala, 2010: 427). The consideration of such features is essential for the data analysis of the present study. For example, the microcosm of the courtroom as a place of institutional power does not exist without the macrocosm, for example political and historical events. Consequently, despite the formal setting of a trial, past

actions of and/or relationships between trial participants and their social status and ranks in the EModE society have to be carefully considered. Similarly, the trial participants' power positions, reflected in wealth and birth-rights, need to be examined.

Following Jucker's (2016: 102) argument that (im)politeness cannot be reduced to the use of certain linguistic expressions, which are then to be regarded as either polite or impolite, forms of address, pronoun choice, or compliments must be examined contextually. In the following subsections, different concepts of (im)politeness are discussed, starting with the traditional approach of Brown and Levinson's concept of face, on which much of the existing research on politeness in EModE is based, followed by Brown and Gilman's notion on power and solidarity (1960), and the postmodern concepts of Watts (1992; 2003) and Archer (2011). Finally, Grainger's (2018) neo-Brown and Levinson model is presented, which is based on the work of Holmes et al. (2012) and focuses on institutional roles that can be negotiated as part of a dynamic communication process.

4.3. Brown and Levinson's concept of face

Brown and Levinson's model of politeness (1978, 1987) is adapted from Goffman (1967) and Grice (1975) for their theory of politeness and is concerned with face, facework and acts that threaten face, sociological variables influencing face threat, and five super-strategies of counterbalancing face threat with specific linguistic strategies (Culpeper 2011b: 399). The notion of face is based on the idea of "saving face" or "losing face". According to the model, face is something that is emotionally invested in, something that can be "lost, maintained, or enhanced, and something that must be constantly attended to in interaction" (Brown & Levinson, 1987: 61). For example, a positive face is a positive self-image or personality which face-wants (a person's desire to be valued) are observed, whereas a negative face demands not to be constrained in terms of actions and personal integrity, especially by others. A threat to positive face-wants indicates that the speaker does not care about the addressee's feelings or wishes and shows that the speaker negatively values or is indifferent to the listener's positive face (Brown & Levinson, 1987: 66).

According to Brown and Levinson (1978, 1987), politeness can be distinguished according to the type of face addressed, positive or negative, and politeness always occurs in combination with a face-threatening act (FTA), which either threatens the negative or positive face-wants of the addressee or harms the negative and positive face of the speaker (1987: 70). In the

model, they focus on the mitigation of face-threatening acts (FTAs), namely on people's endeavours to avoid conflicts. Negative face-wants include orders, requests, threats, dares, promises, compliments, expressions of envy or admiration, expressions of strong (negative) emotions, or the deliberate use of forms of address in an offensive or embarrassing way. Actions that threaten positive face-wants include expressions of disapproval, criticism, contempt or ridicule, reprimands, contradictions, disagreement, insults, or challenges (Brown & Levinson, 1987: 65-66). Consequently, any instruction or request is a negative face-threatening act and any criticism or insult is a positive face-threatening act.

In contrast, expressing and accepting thanks/apologies, excuses, offers, or unwilling promises offend the speaker's negative face, whereas direct damage to the positive face happens in apologies, accepting compliments, losing physical control of the body, self-humiliation, confessions, or admitting guilt and responsibility (Brown & Levinson, 1987: 67-68). Consequently, positive politeness occurs when positive face-needs are met, as in the phrase *Have a good day*. Negative politeness is any attempt to satisfy negative face-wants and is limited to the specific face-threatening act that generates the instance of politeness (Brown & Gilman, 1989: 162). Thomas (1995: 176) opposes this view and claims that *an apology*, for example, can be both a threat to the speaker's face and an embarrassment to the hearer. She advocates that the relationship between the speaker and hearer and the different rules of linguistic behaviour that apply to them must also be considered.

Brown & Levinson's (1987) politeness theory and its five strategies against the risk of losing face are revised by Brown and Gilman (1989) by combining positive and negative acts in a face-threatening act on record with a redressive action. Brown and Gilman (1989) replace a single super-strategy of redress in which acts of positive and negative politeness can, but need not to, be mixed. The idea contrasts with the original model, which claimed that positive politeness and negative politeness are mutually exclusive strategies. In other words, although the face-threatening act was performed, the action itself was redressed, namely face was given to the addressee, either in the form of positive or negative politeness. For example, the phrase *If you will take a homely [plain] man's advice, Be not found here* (Brown & Gilman, 1989: 160) is a request to leave immediately, but it is redressed so as not to cause offence or to threaten the negative face-wants of the addressee. Brown and Gilman (1989:163-165) argue that the importance of politeness should be greater when the hearer is superior to the speaker or when the speaker and the addressee are old friends.

Grainger (2018: 19) points out that Brown and Levinson's model of politeness, namely the concept of positive and negative face and face-threats (1978; 1987), is both highly influential and highly controversial. Their idea suggests that social context and communication are static, a notion that has led to a debate in research. Bax & Kádár (2011: 15) argue that Brown and Levinson minimise the importance of context, an idea that simplifies the correlation between linguistic forms and pragmatic functions and disregards the cultural and historical background of polite language. Grainger (2018: 21) points out that the model uses isolated speech acts to assume that meaning is inherent in the speech act itself, whereas the role of linguistic or social context in meaning-making is minimised. Furthermore, the notion of face has been criticised as too individualistic, focusing mainly on the speaker's "assessment of the hearer's face-wants" (Bax and Kádár, 2011: 15). In contrast, discursive analysis focuses on the negotiation of the different levels of (im)politeness between interlocutors. This negotiation can be either explicit, including insults or offensive terms, or implicit. However, decontextualized linguistic elements cannot be analysed as polite or impolite, rather (im)politeness is created through interaction, and the analysis has to focus on the relational work of the interactants (Jucker 2012; Culpeper 2008: 21). Moreover, Brown and Levinson's (1987) approach is oversimplified based on a relatively straightforward attribution of certain linguistic structures to certain politeness values, and such differences are then even presented as quantifiable (Jucker 2020: 88).

With regard to the thesis, it can be argued that Brown and Levinson's model can be used to a certain degree, namely in a formal setting such as the historical courtroom. Brown and Levinson (1987: 77) state that politeness strategies and therefore the "ranking of imposition" of the face threatening act are influenced by factors such as power and distance and by the cultural and situational context. The speaker has to assess the weightiness of a face-threatening act as part of the politeness strategy, whereas features of power and distance are useful for analysing the social, interpersonal, and hierarchical factors in the choice of terms of address (Nevala 2010: 424-425). In EModE society, the use of the various forms of address, such as *Lord, Sir*, to achieve politeness between members of the upper classes and the aristocracy was the norm. According to Brown and Levinson (1987), the reason was to save face and avoiding face-threatening acts. As outlined earlier, high treason trials were show trials aimed at damaging the positive face of the defendant and securing a conviction. In such events, insulting and offensive language was used, including epithets and the pronoun *thou*. The offender either confessed to the charges, resulting in a threat to the positive face, or was

challenged by acts of the other trial participants with positive face-wants, such as insults, criticism, or reprimands. In addition, the culprit made requests (negative face-wants/negative politeness strategies) to the court during the trial by responding to face-threatening acts with linguistic and non-linguistic deference, including mitigating mechanisms such as hedging. As an alternative to Brown and Levinson's notion (1987), Jucker (2020) suggests that such negative politeness strategies can be divided into acts that involve impositions and acts that involve deference.

Of special interests for the analysis of historical data are face-saving strategies that involve a negative attitude, such as irony and sarcasm, or what Culpeper (1996) and Culpeper et. al. (2003) refer to as mock politeness. Irony, as Taylor (2017: 214) points out, allows the addressee to recognise indirectly the offending utterance, and, therefore, to mitigate the face-threat. Moreover, irony is often perceived by the addressee as less harsh than overt criticism, offering face-saving and face-expanding potential for the speaker at the same time. According to Leech (2014: 235), "irony tends to be more complex, ingenious, witty and/or entertaining than a straight piece of impoliteness". Jucker (2012: 47) emphasises the importance of identifying irony in order to explore the speaker's goals, arguing that "the interplay between the intrinsic politeness value of the linguistic forms and the discursive contexts in which they are used" is crucial in determining whether an "utterance comes across as interactionally appropriate, as impolite or rude, or as excessively over-polite and perhaps ironic" (Jucker, 2012: 47). There is a fine line between irony and sarcasm, but the listener is able to save face by ignoring the sarcasm. A sarcastic utterance is therefore "more personal, […] its sarcastic potential is immediately obvious to all participants in a situation, namely shared experience and knowledge are not necessary factors" (Barbe, 1995: 28 qtd. in Taylor, 2017: 215). The distinction between ironic remarks and sarcasm is important to analyse whether they are witty remarks to entertain bystanders or overt, face-threatening acts.

4.4. Brown and Gilman's notion of power and solidarity

The concept of power is an important element in EModE society and in the historical courtroom. The preassigned roles of the trial participants confirm the general idea of an asymmetrical courtroom, where defendants have a less powerful position compared to other trial participants such as judges or members of the prosecution. The different levels of power during court proceedings are also expressed through the use of formulaic language such as in the announcement of the arraignment or the passing of the sentence. This hierarchical

structure is the foundation of Brown and Gilman's (1960) study, which introduces the two semantic features of power and solidarity. The concept connects the social structure of a society to the use of the two pronouns of the second person singular *you* and *thou* in relation to (im)politeness. Brown and Gilman (1960: 254-255) designate the symbols *T* and *V* (from the Latin *tu* and *vos*) to the pronouns *thou* and *ye* (later *you*), therefore referring to a system of *power* and to an underlying social semantic dimension, namely *solidarity*.

Brown and Gilman (1960: 255-258) suggest a non-reciprocal hierarchical power system of a society, in which each member possesses a static position, either on a horizontal or vertical level. While on the horizontal level the power system is reciprocal, namely people with the same power give and receive the same pronominal form of address (usually *you*), the vertical dimension is unequal. The second dimension (solidarity) establishes "a distinctive use of *T* and *V* among equals […] by generalizing the power semantic" (Brown & Gilman, 1960: 256-257). Consequently, *V* can also be used among speakers with asymmetrical but non-power-based relations. These features are, for example, *as older than, parent of, employer of, richer than, stronger than, nobler than*.

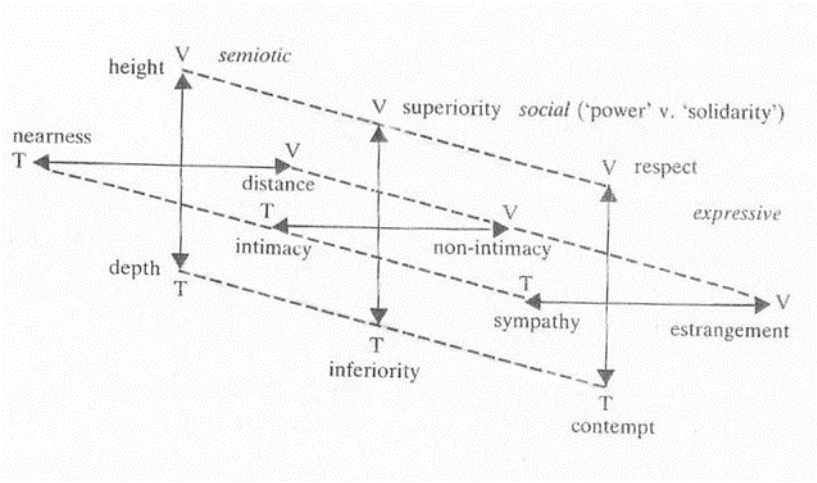


Figure 5: The distribution of the pronouns of power and solidarity according to Brown and Gilman's model (taken from Wales 1983: 110)

According to Figure 5, the dimension of solidarity is symmetrical, reciprocal, and defined by characteristics that connect people such as family, religion, gender, place of birth, profession, or political affiliation. Consequently, relationships such as *older than*, *father of*, *nobler than*, or *richer than* are now perceived as *of the same age*, the *same family*, the *same kind of ancestry*, or the *same income*. Moreover, the pronoun *thou* expresses intimacy and closeness, whereas *you* designates distance between speakers (Brown & Gilman, 1960: 258-259). In the case of a conflict between power and solidarity, the model indicates that power status is more

crucial compared to solidarity, even within families. However, it is important to note that momentary shifts between *thou* and *you* occur with both positive emotions such as admiration or respect and negative reactions such as anger or contempt (Brown & Gilman, 1960: 275). This aspect is crucial for the analysis of *you* and *thou* in the EModE courtroom in terms of dynamics and negotiability of hierarchical structures and institutional roles (see Chapter 7.3.).

Furthermore, Wales (1983: 113) argues that applying Brown and Gilman's (1960) system to the EModE period, speakers prefer the standard pronoun *you* in conversations when they are uncertain about the social status of the addressee. Jucker (2000a: 158) claims that additional characteristics such as age, communication partner, and the type of relationship (familial, hierarchical) between speaker and addressee also influence the choice of the pronoun. Wales (1983: 123) states that "[p]ronouns of address are certainly related to social roles in many languages; but these roles are not only expressed by pronouns", and Jucker (2000a: 158) argues that these features can be modified by situational context, which involves more temporary power relations. Consequently, Jucker (2000a: 158) and Walker (2007: 45-46) point out that it is important to consider each setting and its context when analysing the reasons for using and switching between *you* and *thou*.

Mazzon (2010: 362), for example, takes the view that the motivation of switching between these two pronouns is either the wish to display distance/formality or to reduce them. She argues that a decrease of formality is connected to a face-threatening act and emphasises the property of retractability. In her study (2010), she points out that the switching between pronouns indicates different sociopragmatic values and when this occurs repeatedly during one turn, it expresses a change in a discourse situation (Mazzon, 2010: 362). However, the choice of pronoun or term of address can probably be limited to the superior position of the speaker, to the speaker's anger or annoyance, and to formulaic use, such as of *thou*. It is worth noting that the use of *thou* as an address term and in its formulaic form became obsolete during the EModE period (Finkenstaedt, 1963).

Following the argumentation of Jucker (2000a: 161) and Walker (2007: 48), the present study emphasises the importance of a micro-pragmatically motivated perspective for the analysis of historical data. This means that the trial participants' word choices during the trials have to be analysed in the context of a particular trial and its unique historical background (see Chapter 10, Appendix). Social status, personal relationships, and interaction between defendants,

members of the prosecution, and judges need to be examined in terms of asymmetrical power positions and connected to the word choice and language use during the trial (see Chapter 2.4.). In addition, the social norms and approved behaviour of the EModE period have to be considered and related to the context of the individual trial, its participants, and their relationships. Linguistic concepts such as (im)politeness strategies and face wants/threats also need to be applied to the data, however, the main framework regarding the analysis follows the neo-Brown and Levinson concept by Grainger (2018).

4.5. Watts' approach to politeness

In contrast to Brown and Levinson's (1978, 1987) face-based model of politeness, Watts (1992), representing postmodern/discursive approaches to politeness, proposes a theoretical concept of politeness that focuses on a broad spectrum of social interaction between polite and impolite and politic behaviour that represents the area in between. The main focus lies now on the interactions between the speaker and the addressee, emphasising that meanings are always negotiated between them, whereas linguistic elements themselves have no inherent meanings.

In his model, Watts (1992) argues for *first-order politeness*, which encompasses the various ways in which members of a socio-cultural group perceive and discuss politeness. First-order politeness itself is "an extraordinarily complex, constantly fluctuating and ultimately unstable cognitive concept" (Watts, 2011: 105) that allows participants in social practice to decide for themselves what does and does not constitute politeness during their interactions (Watts, 2011: 105). In contrast, Watts' (1992) notion of *second-order politeness* is a theoretical hypothesis that considers politeness as an objectively observable quality that can be used to examine which forms of behaviour can be classified as polite in social practice (Watts, 2011: 105-107). The idea relates to social behaviour and language use within a theoretical concept. Consequently, second-order politeness models use lay-people's judgements about behaviour such as *impolite*, *rude*, *polite*, *polished* made "according to the norms of their particular discursive practice" and take them into account at a theoretical level (Locher & Bousfield, 2008: 5). Consequently, politeness analyses have to consider the norms and social conventions of a particular social group or society (Locher & Bousfield, 2008: 7). Watts' (2011) second-order politeness, for example, encompasses EModE society's perception of adequate polite behaviour, whereas social rules and norms function as the theoretical foundation. Applying Watts' model to the historical courtroom in general and the trial

participants in particular, both display the idea of first-order politeness. In this setting, each person decides what (im)politeness is, whereas the participants' predetermined roles constitute the asymmetrical power structures of the trial. In this setting, the defendant, members of the prosecution, and judges choose their words and forms of address independently of each other and decide for themselves what is appropriate linguistic behaviour. However, the thesis argues for a more dynamic perception of the institutional roles of trial participants that allows preassigned static roles to be changed (see Chapter 4.7.).

The distinction between *first and second-order politeness* is complex but important because politeness exists as both a spontaneous and a normative concept. While the first notion draws from experience, the latter is based on daily routine and is predefined (Eelen, 2001: 33; Taylor, 2017: 210). Brown and Levinson's (1987) politeness approach belongs to the category of second-order concepts, despite its minimal recognition of cultural background and a dichotomous approach to (im)politeness (Locher & Bousfield, 2008: 6). Watts' concept is based on people's perspectives when experiencing politeness and refers to people's cultural viewpoints and social practice (*second-order politeness*). It is challenging to assess what should be considered polite or impolite language based on experiences that not all participants have had in the same way or at all. These difficulties become apparent when defining rudeness or impoliteness (Culpeper, 2011: 71-72). For example, people from different social classes may perceive (im)politeness differently due to different cultural and social practices. Behaviour that is acceptable for members of lower social classes within their community may be perceived as offensive or rude by others, such as people from the gentry. In contrast, polite and distant manners between family members of the aristocracy appear impolite to people from the lower classes (see Wrightson, 2004).

The distinction between *politic behaviour*, namely appropriate behaviour according to the social expectations of this particular interaction, and *politeness*, which includes actions that go "beyond what is expectable" (Watts et. al., 1992: 51-52) stresses the evaluation of the social context. Watts argues that what can be assessed as polite emerges contextually from instances of socio-communicative verbal interaction" (2003: 141) and emphasizes that politeness is an area of dispute and that "not everyone agrees about what constitutes polite language usage" (2003: 252). Additionally, some researchers, including Watts (Watts et al 1992, 2005; Watts 2003) or Eelen (2001), suggest to distinguish between abstract theoretical concept of politeness and *common-sense* notions of politeness as it is perceived and discussed by

members of a socio-cultural group. Watts argues that when investigating what can be included in common-sense polite behaviour, the understandings "range from socially 'correct' or appropriate behaviour, through cultivated behaviour, considerateness displayed to others, self-effacing behaviour, to negative attributions such as standoffishness, haughtiness, insincerity etc." (2003: 8-9).

Even Watts' own position is not is not without controversy either, regarding his distinction between *politic behaviour* and *politeness*. Holmes (2012: 208), for example, points out that politic behaviour should rather be classified as "normative" politeness, whereas any behaviour that goes beyond would be better labelled as strategic politeness. Culpeper (2005: 63) advocates that Watts' dichotomy distinguishes between highly routinised behaviours such as greetings and polite manners (positive or negative). With regard to the EModE data, it is important to consider permitted and prohibited social norms of the society in question and to assess whether these rules are applicable to the formal setting of the courtroom. In doing so, the evaluation has to be contextual and to consider the types of trials (high treason vs. ordinary criminal trial) and their political-historical background.

With regard to the thesis, when examining abusive and offensive language in high treason trials, Watts' (2003) classification of impoliteness is applicable to assess language use in the historical courtroom. His model distinguishes three forms of impoliteness: first, negatively evaluated politeness; second, lack of politic behaviour perceived as *brash* or *rude*; and third, sanctioned or neutralised face-threatening or face-damaging acts (Watts, 2003: 131-132). However, his model focuses on (im)politeness from cultural perspectives and social practice and thus on experience. The present study argues that the preassigned roles of the trial participants were dynamic and led to a shift in the power positions of the participants, an element that contrasts with traditional experiences or expectations of how each participant should behave within the assigned role as defendant, prosecutor, or judge. Therefore, Watts' concept is not used as the main framework in the thesis, but rather in cases when sanctioned impoliteness or politic behaviour occurs.

One approach that focuses on the distinction between sanctioned impoliteness (verbal aggression) and impoliteness is Archer's concept of verbal aggression, which is discussed in the following section (see Chapter 4.6.).

4.6. Archer's concept of verbal aggression

Archer (2008: 189) argues for a new concept of impoliteness focusing on the distinction between verbal aggression and impoliteness. According to the notion, verbal aggression occurs when a speaker performs a face-threatening that causes offence, but is not motivated by a personal sense of spite. In contrast, when a face-threatening act is done out of malice, the speaker consequently performs impoliteness. Archer's (2008) model belongs to Watts' notion of second order politeness concepts, although she advocates that the historical courtroom is a formal situation in which verbal aggression is sanctioned, she emphasises a combination of first and second order methods (Locher & Bousfield, 2008: 12).

Archer (2008; 2011) uses the historical courtroom, and in particular legal cross-examinations in adversarial trials, as an example of Goffman's (1967) incidental and accidental levels of face-threating strategies. In her study (2011), she proposes a new model of the ambiguous-to-speaker-intent zone that is able to identify non-intentional verbal aggression in legal contexts. These utterances are not motivated by the intention to harm someone out of malice (Archer, 2011; Goffman, 1967: 14). Archer (2011: 5) suggests that impoliteness that is organised should be considered as the norm for a particular community of practice and, therefore, as politic and not as prominent. Furthermore, she argues that illustrative facework models can still be used in conflictual contexts such as the courtroom, and, therefore, contrasts with other scholars such as Watts (1992; Watts, 2003) or Mills (2003; 2005).

Archer's (2008; 2011) concept also distinguishes between information-seeking facts questions at the interrogation stage and demeanour questions. While the first type of questions aims to elicit evidence from the defendant/witness, the second type of questions involves statements by the examiner that imply false testimony by noticing and evaluating the actions of witnesses or defendants (Archer, 2008; 2011: 5-6). The aim of such questions is to portray the behaviour of witnesses or defendants in an unfavourable light, by making them appear judgemental or arrogant. Consequently, the use of two different types of questions during trial shows that information is not only conveyed through the spoken words, but also through non-linguistic behaviour of the witness or defendant.

Archer (2011) uses an intentionality scale model for her analysis, with intentional, incidental, and accidental zones that interact or overlap with each other in terms of the type of questions

analysed and the behaviour of the participants (see Figure 6). Furthermore, the model allows the movement between Goffman's intentional and incidental levels.

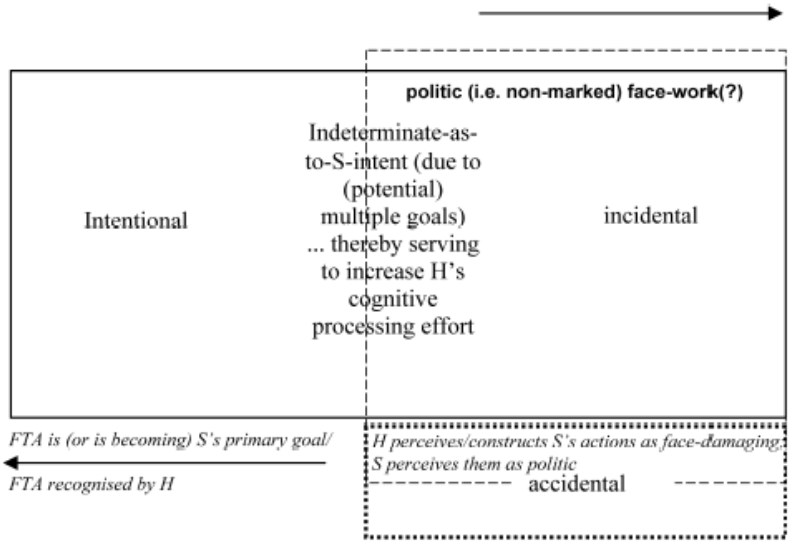


Figure 6: The relationship between politic facework and (non)intentionality (adapted from Archer 2011: 7)

From Archer's (2011) model it can be inferred that the moving politic zone (marked by the broken line in Figure 6) includes sanctioned face-aggravating behaviour that overlaps with both the intentional and the incidental zone. Moreover, in contrast to lawyers, laypersons (witnesses or defendants) perceive interactions in the EModE courtroom as face-damaging situations even when questions have only information-seeking functions. In such cases, the intentionality scale would interact with an accidental facework zone (Goffman, 1967: 14) and the intentionality scale and accidental zone may also overlap with a moving politic zone, this form of alinement is signalled by the broken lines (Archer, 2011: 6). However, in cases where judges/members of the prosecution (legal experts) use demeanour questions and strategies to portray witnesses and defendants in a negative light, the politic zone overlaps with the indeterminate-as-to-speaker-intent zone. It is important to note that in such cases, other legal experts may view the actions of judges or members of the prosecution as lawful behaviour (Archer, 2011: 6-7).

Archer (2011) employs the concept of verbal aggression when examining questioning strategies in the EModE courtroom. In contrast to Kryk-Kastovsky's (2006b) view that all courtroom questions (such as declarations, yes/no, and tag-questions) are designed to control and threaten witnesses, Archer (2008: 194) notes that questions can be used to elicit information in a sophisticated manner. Archer's study (2008) acknowledges that these specific types of questions can be used to accuse, control, and restrict trial participants, but

disagrees with Kryk-Kastovsky's (2006b: 222-223) view that such questions have been used to attack the positive and/or negative face of witnesses or defendants. Although Archer (2008) concurs that these strategies were an "instrument of power" (2008: 192), she argues against the assumption that they were implicit and thus covertly impolite (Kryk-Kastovsky, 2006b: 213).

Overall, Archer (2008; 2011) argues in her study that in the historical courtroom, asymmetrical power relations more often occur in the form of verbal aggression than impoliteness, where power is exercised through verbal aggression, whereas impoliteness is a subcategory of verbal/linguistic aggression (Archer, 2008: 204-205). Furthermore, she states that judges from the 18th century onwards performed their duties within their given roles and became seekers "of verbal and legal resolution, based on the evidence" (Archer, 2008: 204). The court records from the 16th and 17th centuries, on the other hand, present a different picture compared to later court proceedings. Firstly, the legal system of the 18th century had already introduced defence counsels for all types of felonies, and, secondly, the numbers of high treason trials declined over time due to a more stable political situation, with the exception of Scotland. It should therefore be noted that high treason trials in the 16th and 17th centuries were show trials characterised by a high level of emotions and cannot be compared to ordinary criminal trials in general, especially when it concerned misdemeanours. An exception are the trials that took place in the Star Chamber until the first half of the 17th century. At these trials, judges and members of the prosecution were often accused of judicial misconduct, corruption, and bias (see Chapter 2.2.). Even during the reign of Elizabeth I, the Star Chamber had a bad reputation in terms of judicial organisation. For example, sentences were passed by privy councillors based mainly on handwritten statements, fabricated evidence or oral confessions, whereas defendants were only summoned to appear before the court in the final stages of the trial (Veerapen, 2014: 32).

Overall, Archer's model of verbal aggression is useful in distinguishing between sanctioned verbal aggression and intentional impoliteness. However, the late Elizabethan and early Stuart periods differed from the 18th century in terms of the political situation and in terms of the conduct of high treason trials, which took the form of show trials. Consequently, Archer's concept of verbal aggression is used to some extent in the analysis, namely when a trial participant uses intentional impoliteness.

4.7. Grainger's neo-Brown and Levinson approach

Brown and Levinson's face-based concept is, as Grainger (2018: 19) notes, still very influential, but also very controversial. In particular, those scholars who use postmodern concepts criticise the outdated way of analysing pragmatic communication and its ethnocentric view. Some scholars even claim that most new models of politeness theory emerged in the first place because of Brown and Levinson's ideas (see Eelen 2001; Watts 2003). Postmodern scholars focus on participants' evaluation of politeness based on supposed norms and dismiss the idea of questioning why certain linguistic choices are made in certain situations. In contrast, however, some researchers still value Brown and Levinson's achievements but suggest adaptations to better analyse cross-cultural interactions. Some researchers also believe that with some modifications Brown and Levinson's (1987) model is particularly well suited to analysing data from institutional contexts such as the courtroom or the workplace. This direction of research was advocated and developed by Holmes et al. (2012) and their model serves as the foundation for Grainger's approach to the courtroom (Grainger 2018: 20).

Grainger (2018: 20-21) proposes a neo-Brown and Levinson approach applicable to the formal environment of a courtroom. She argues that Brown and Levinson's model is useful in explaining the relationships of and between participants in an institutional setting. In doing so, she points out that in this context the negotiation of meaning is crucial and emphasises that (im)politeness strategies based on an elaborated version of Brown and Levinson's model are applicable as part of a discursive analysis to define the situation, the participants' roles and their relationships within the situation. Consequently, both the speaker and the addressee have to be recognised as members of a group, whereas their institutional roles must also be considered in terms of their preassigned roles as trial participants.

Grainger's (2018) concept assumes that utterances and interlocutors have different levels of contexts that need to be analysed when examining how meaning is constructed in a particular social space, for example in a courtroom. Therefore, she suggests that the social-cultural contexts, roles, relationships, and identities of speaker and addressee are part of such an analysis (Grainger 2018: 21f). She argues that Brown and Levinson's (1987) concept of face is a useful tool to analyse the notion of politeness and points out that the designs of positive and negative politeness, face-threats and needs are applicable when they operate "within a hierarchy of roles (individual, institutional, societal etc.) and when roles are negotiated as part

of a dynamic process of communication" (Grainger 2018: 23). In relation to a (historical) court situation, the roles of the trial participants (defendant, prosecution, judge) formally correspond to the setting of the courtroom, but at the same time the roles are negotiated as part of a dynamic process of communication between the trial participants.

Therefore, Grainger (2018) proposes an interactional approach to politeness studies as part of the third wave of politeness theories (Culpeper 2011; Grainger 2011). This method focuses on layers of context, namely the way meaning is negotiated and constructed in the social space (courtroom) and between the speaker and the addressee. With regard to the courtroom, the identities, roles, and relationships of the interlocutors are crucial. Furthermore, the concept proposes that the context of a turn develops out of the previous turn, or with other words, the question arises "how each turn is part of the context for the next turn" (Grainger 2018: 22).

Generally, the context for a trial is created, for example, by the verbal interaction of participants as they present evidence, make statements, or argue legal points. However, in an institutional setting, participants may also bring pre-existing knowledge or expectations to the courtroom such as the formal setting, norms of behaviour, or the legal register. These rules are established by the institution itself, including the physical environment (the layout of the courtroom), but also by the participants' asymmetrical power positions, namely their preassigned roles as defendants, members of the prosecution, or judges. However, the participants interact with each other within a framework based on power and solidarity, social status, social norms, and personal relationships (Grainger 2018: 24). The latter consists of both the struggle between institutional norms and the local negotiation of the relationship between the defendant and the judge, for example, and, in terms of the EModE courtroom, the struggle between institutional norms and personal negotiation in the form of relationships outside the courtroom and social status in EModE society.

The present study aims to examine the verbal behaviour of trial participants in the EModE courtroom, an institutional setting that is formal and determined by the roles preassigned to participants as defendants, members of the prosecution, and judges. These roles tend to be either rather powerless (defendant) or very powerful (judge), especially in high treason trials that were conducted in the form of show trials. By applying Grainger's (2018) model to the data in the thesis, it is possible to analyse the interaction of the participants regarding appropriate/polite/deferent behaviour and inappropriate/impolite/offensive (insulting)

behaviour in relation to the different roles. Furthermore, it is possible to use the historical-political contexts of the trials and the personal relationships of the participants outside the courtroom as additional layers of context when analysing verbal interaction in the courtroom. At the same time, Grainger's (2018) model offers a new discursive way to context for analysing the definition and management of roles that are negotiated dynamically in the course of interaction.

Overall, Brown and Levinson's (1987) concept of politeness and notion of face are applicable to the methodology of the present study, but the thesis uses Grainger's (2018) interactional approach to politeness as the main framework for analysis. The present study argues that despite the formal setting of the EModE courtroom, the institutional roles of each trial particpant were dynamic and need to be analysed against the historical and political backgrounds of the particular trial.

4.8. Summary

The concept of (im)politeness has been the subject of academic research for decades and has led to the development of various models. The above sections have discussed different notions of politeness, traditional, post-modern, and third wave notions.

Brown and Levinson's (1987) concept of positive and negative face, which focuses on face-wants and face-threats, clearly a first wave model, understands politeness as something that always occurs in combination with a face-threatening act that endangers the addressee's negative or positive face-wants or violates the speaker's negative and positive face. This model was criticised for various reasons (see Chapter 4.3.) in particular for the simplified connection between linguistic forms and pragmatic functions (Bax & Kádár, 2011: 15).

However, Brown and Levinson's (1987) politeness model is also a starting point for the research of Holmes et al (2012), which focuses on the negotiation and management of verbal interactions in an institutional setting such as the workplace. Grainger (2018) has further developed this approach and created the neo-Brown and Levinson notion, which focuses on the different contextual layers of speaker and addressee. She also applies the approach to the courtroom as an example of a formal and institutional environment. By considering the roles of the trial participants in the process as something that can be negotiated through interaction during the trial, they become dynamic. Combined with Brown and Levinson's (1987) model,

Grainger's (2018) approach is the main framework that carries the analyses of the present study. Additionally, as mentioned above, Watts' et. al (1992; 2003) notion of politic behaviour and Archer's (2008; 2011) concept of verbal aggression are used to a certain degree in the thesis, as is Brown and Gilman's (1960) model of power and solidarity.

Chapter 5 presents the methodological approach of the thesis and gives an overview of the data. It also shows the process of extending and annotating the *SPC*, including the search and selection of trial records for the period 1560 to 1640.

5. Methodology and data description

Following the theoretical chapters 1 to 4, this chapter presents the methodological context and data used for the study. In particular, the section on historical court data focuses on the concepts of communicative immediacy and distance of the data and their relevance for the analysis of spoken data from the past. Another section introduces the corpora *A Corpus of English Dialogues 1560-1760* (*CED*), its sub-corpus the *Socio-pragmatic Corpus 1640-1760* (*SPC*), and the extended version of the *SPC 1560-1639*, the latter forming the data basis for the thesis. Most importantly, the chapter informs about the process of selecting the source material for the additional trials, the way the data (including direct speech) were extracted, and the evaluation of the results of the frequency word lists.

5.1. The methodological perspective

Using a socio-pragmatically annotated corpus, this data-based thesis investigates the possible influence of historical and political events on (im)politeness strategies in the historical courtroom during the late Elizabethan and early Stuart periods. The study argues that trial proceedings and word choice were not isolated processes but were influenced by non-linguistic features (age, gender, social status, and rank) that signified important elements such as social prestige and position in Elizabethan society and the historical courtroom (Wrightson, 2004; Walker, 2007; Archer, 2005). The novel approach of the thesis combines the analysis of linguistic features through the use of corpus linguistic techniques such as frequency word lists or concordance searches with the sociopragmatic information about the speakers and the addressees, the type of the trial, and the asymmetrical power positions in the EModE courtroom. These findings are then examined for a possible influence of historical-political events and personal relationships of the trial participants on (im)politeness strategies in trials between 1560 and 1639.

The study argues that in the historical courtroom of the 16th and 17th centuries, nominal and pronominal forms of address that were generally used to achieve politeness or impoliteness (Jucker & Taavitsainen, 2003; Mazzon, 2010; Braun, 1988; see Chapters 6 to 8) were closely connected to the type of the trial (high treason in contrast as opposed to ordinary criminal trials), the historical-political contexts of the individual case, and, in particular, the preassigned roles as defendants, members of the prosecution, and judges (see Chapter 2). Due to the legal proceedings of the 16th and 17th centuries the burden of proof was not on the prosecution but on the defendants, which led to lively disputes between defendants and other

trial participants (Beattie, 2002; Baker, 1990). The focus of the present analysis is therefore on the (im)polite verbal interactions of these three groups of speakers.

The objective of the data-based study made it necessary to extend the existing *Socio-Pragmatic Corpus (SPC)* (1640-1760) (Culpeper & Archer, 2007; Archer 2005; see Chapter 5.3.2.) to the beginning of the EModE period (1560 to 1639) by using court records from the first two trial sections of *A Corpus of English Dialogues 1560-1760* (*CED)* (Culpeper & Kytö, 2010; see Chapter 5.3.1.). Due to the goal of a balanced corpus in terms of word count (McEnery, Xiao, & Tono, 2006), new court transcripts from published and unpublished sources were added and the extended trial sections were annotated sociopragmatically using information on the social status, age, gender, and rank of the speakers and addressees (Culpeper & Archer, 2007; see Chapter 5.4.). By drawing on data from the extended version of the *SPC*, it is possible for the first time to examine linguistic features from the late Elizabethan period onwards. For the quantitative analysis, the thesis uses corpus linguistic methods such as frequency word lists and concordance searches to investigate the distribution of forms of address that are generally used to achieve (1) politeness or (2) impoliteness. Additionally, nouns that co-occur in trials are examined in regard to their use by different trial participants and in terms of the asymmetrical power positions in the EModE courtroom. The analyses cover the timeframe between 1560 to 1639 and focus on the three groups of speakers: defendants, members of the prosecution, and judges (see Chapter 5.3.4). The quantitative data are presented as normalised frequencies and are complemented by a qualitative analysis of the linguistic features in terms of their functions as forms of address, terms of reference, etc. (see Chapters 6 to 8).

The sociopragmatic framework adopted by the present study and its position in the fields of historical pragmatics and sociopragmatics provide the opportunity to examine language use in the historical courtroom, including socially accepted and offensive behaviour during the EModE period (Leech, 1991; Archer, 2005). The sociopragmatic information provided by the extended version of the *SPC* and used for the analyses places the thesis within the Continental perspective on (historical) pragmatics (Jacobs & Jucker 1995; Taavitsainen & Jucker, 2010; 2013; Taavitsainen, 2015; Mazzon, 2016). Jacobs & Jucker's (1995) notion of diachronic pragmatics and the concepts of form-to-function and function-to-form mapping provide the methodological tools to examine the findings regarding (im)politeness. Starting with specific linguistic forms, such as nominal and pronominal terms of address, the study examines the

influence of non-linguistic features such as social status and the historical-political-religious contexts of language use in the EModE courtroom between 1560 and 1639. The focus lies on the different functions of address terms (Mazzon, 2010; Braun, 1998; Wales, 1983, Walker, 2007), epithets, and nouns occurring in high treason and ordinary criminal trials and used by defendants, members of the prosecution, and judges (Bellamy, 1979).

To investigate (im)politeness strategies, the present study uses as its main framework Grainger's (2018) neo-Brown and Levinson politeness model, an approach developed by Holmes et. al (2012), alongside Brown and Levinson's (1987) concept of positive and negative face-wants and threats to a certain degree. In contrast, Watts' (1992) concept of politic behaviour and Archer's (2008; 2011) notion of verbal aggression are only applied in some cases (see Chapter 4.6.). However, impoliteness is not only expressed in the form of epithets and bald-on-record impoliteness (Culpeper et. al. 2003; Culpeper 2011; Kryk-Kastovsky, 2006b), but also in a figurative way through the concepts of sarcasm and irony (Taylor, 2017; Barbe, 1995). To analyse impoliteness stated in this way, the study uses function-to-form mapping.

For the study of the interactions between speakers and addressees, the application of an empirical methodology in the thesis and the combination of several methodological concepts from different research areas are crucial for the analysis of the data. The results of the quantitative analyses without the context in which the statements, forms of address, etc. were made are not, on their own, sufficient for the present study and must therefore be illustrated and further explained through a discursive analysis using examples from the court records (Archer, 2005; Jucker & Taavitsainen, 2013). In this way, the interdisciplinary standpoint of the study addresses the missing research gap in terms of data-based (im)politeness studies of the historical courtroom in the late Elizabethan and early Stuart periods. The study provides new insights into linguistic interactions in EModE procedures by linking the analysis of linguistic features with the historical-political contexts and the power positions of the trial participants, which were expressed through their predetermined roles during the trials of the late 16th and early 17th centuries, but were also changed through communication at the same time (Grainger, 2018).

5.2. Data description

5.2.1. Overview

According to Jucker and Taavitsainen (2013: 19), in the 1960s, pragmatic analysis was dominated by conversation analysis as the main data-driven model, and spoken language was considered the only legitimate data for this form of analysis. Therefore, the "optimal language data in pragmatics was defined as oral interaction with participants freely alternating with equal rights in communication with one another" (Jucker & Taavitsainen, 2013: 19). However, this view excludes many forms of mediated language use such as interviews, email conversations, or phone calls. However, as Jucker and Taavitsainen (2013: 19) state, the research paradigm has been broadened and in recent years there has been an increased interest in the data representing everyday language. For example, studies such as Lutzky and Kehoe's (2017) used conversations on blogs to examine apologies.

The following sections present the data available for studies in historical pragmatics and address the problems of written data from the EModE period in terms of authenticity and reliability. The sections also introduce two corpora: *A Corpus of English Dialogues 1560-1760* (*CED*) and its sub-corpus the *Socio-pragmatic Corpus 1640-1760* (*SPC*), both compiled under the supervision of Merja Kytö and Jonathan Culpeper. Finally, the reasons and methods for extending the *SPC* to the time span 1560 to 1639 (the extended version of the *SPC*) are addressed.

5.2.2. Historical courtroom data

While pragmatics is mainly concerned with spoken language, historical pragmatics relies on written records as evidence of the spoken language of the historical period. Consequently, written records based on speech events are closer to the actual spoken language of the period than texts not based on spoken language (Jacobs & Jucker, 1995; Jucker & Taavitsainen, 2013). With regard to the EModE period, studies of historical pragmatics used written data of oral speech events from this time as the best possible source of language, even though they provide "an inaccurate and skewed picture of spoken language" (Rissanen, 2000: 60) or as Labov (1994) puts it "the art of making the best use of bad data" (Labov, 1994: 11).

Labov (1994) refers here to the problem that the spoken language of the past is not accessible and researchers have to use the existing records of such events to gain information about language change and everyday conversations. In addition, researchers are challenged by

problems of orality, reliability, and verbatimness, caused by scribal interferences or censorship measures of the ruling political system, namely texts were changed according to the current political point of view. Nevertheless, the available data show how people chose to represent speech in written texts and provide indirect evidence of the actual spoken language of the past, the social rules, and the power position in that period (Jucker 1998: 6, 2004: 200; Moore 2011: 12f). As Jucker and Taavitsainen (2013) point out, models have been developed to analyse the relationship between written and spoken language in relation to different types of written texts. For example, researchers can use Koch and Oesterreicher's model (Koch, 1999) to determine how close texts are to the actual spoken data. Koch (1999: 400) and Koch and Oesterreicher (1985: 17) present a scale from spoken to written language in their model. They use different types of written language, place them on a scale, and relate them to different distances from spoken language. Their model is important for researchers in the field of historical pragmatics because it measures the distance between language of immediacy (A and C) and language of distance (B and D).

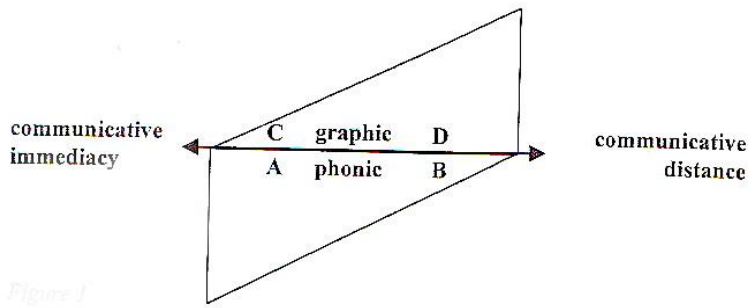


Figure 7: Dichotomy between communicative immediacy and communicative distance and its realisation (Koch 1999: 400)

In Figure 7, Area A represents immediate spoken language such as a courtroom dialogue or a face-to-face conversation, whereas utterances in Area B are characterised by further distance such as a prepared sermon and represent a more distanced form of communication. This distinction is also evident for immediate written communication such as email correspondence or internet chats, which are characterised by Area C, whereas academic or legal documents are usually addressed to an unknown readership without the possibility of an immediate response (Area D) (Koch, 1999: 400f; Jucker & Taavitsainen, 2013: 20f). Koch and Oesterreicher's (Koch, 1999; Koch and Oesterreicher 1985) model can be applied to the data of the thesis because the utterances of the trial participants are still available in the written transcripts of the hearings, which correspond to a form of spoken language. The imminence of the spoken language during trials is preserved in written form and can be used to gain insights

into the interactive communication in the historical courtroom. Such records show, for example, how members of the prosecution present the case in court, how defendants respond to accusations, or how perpetrators interact with witnesses or judges.

In contrast, Jucker (2000b: 21) presents a model that shows the indistinctness and overlap between language of immediacy and distance, since the terms immediacy and distance are characterised by numerous communication features such as privacy, physical distance, or spontaneity. Table 2 shows these contrasting features (Koch, 1999: 400).

Table 2: Features of communicative immediacy and communicative distance (adapted from Jucker 2000b: 21; Koch 1999: 400-401)

Communicative immediacy ⟷	Communicative distance
physical immediacy	physical distance
privacy	publicness
intimacy of partners	lack of acquaintance
high emotionality	affective distance
setting in context of action	independent setting
referential immediacy	referential distance
dialogue	monologue
communicative cooperation of the partners	communicative independence of partners
free topic development	prescribed topic development
spontaneity	formality

Applying Jucker's (2000b) model to the EModE courtroom produces the following:

1. A formal and institutionalised setting (communicative distance) means that trial participants and spectators share the same physical environment in the sense of the same spatial and temporal deictic orientation (communicative immediacy). For example, the defendant, judge, members of the prosecution, spectators etc. share the same courtroom, consequently, they share the same physical location (the courtroom) and communicative immediacy.
2. Trial participants listen to or participate in verbal interaction (dialogue) in the courtroom and listen to testimonies that have been previously recorded in writing (communicative distance).
3. The witness depositions usually represent pre-recorded conversations or events that have previously occurred outside the courtroom. These statements signify a second level of the communicative situation, embedded in the verbal interaction of the trial proceedings (Jucker, 2000b: 24f; Koch, 1999: 408f).

It is important to note that trial records consist of numerous levels of communication embedded in the dialogue between the judge, the defendant, the witnesses, and members of the prosecution. Despite the formality of trial proceedings, the language used in the courtroom expresses communicative distance and immediacy, depending on the nature of each participant's utterances such as testimonies, quotations, or witness depositions. The bad data problem (Labov, 1994; Kytö & Walker, 2003), as presented above, relates not only to the communicative distance of written and spoken language, but also to the veracity of the verbatim transcripts. The accurate recording of words including pauses, the description of gestures, and demeanour of the trial participants are crucial. Court records, as an example of a speech-based genre, represent the spoken language of court proceedings and give "more or less faithful reproductions of actual spoken language" (Jucker & Taavitsainen, 2013: 23), although the setting of the courtroom is controlled and the scribes have not written verbatim transcripts.

Nevertheless, the data provide additional information about the event and prove the authenticity of the textual material. Some trial reports were intended for sale in the form of pamphlets, which led to alterations in the trial participants' utterances in order to present a more dramatic version of the original authentic courtroom interaction for their readership (Culpeper & Kytö, 2010: 17f). Although most of these publications claimed the *truthfulness* or *authenticity* of the contents of the court cases described on their front pages (Culpeper and Kytö 2000: 188). For the compilation of corpora, it is therefore important to avoid such pamphlets and to choose reliable source texts. Such records are usually published close to the actual speech event and are rich in features about the course of the process, relating to gestures and appearances of the trial participants. The next section introduces the available corpora and addresses the criteria for their compilation (Taavitsainen & Jucker, 2010: 10).

5.3. The existing corpora

5.3.1. *A Corpus of English Dialogues 1560-1760 (CED)*

A Corpus of English Dialogues 1560-1760, compiled between 1996 and 2006 at the Universities of Uppsala and Lancaster, is a 1.2-million-word specialised corpus whose main objective is to present spoken language of past periods and to investigate "the role that impromptu speech and interactive two-way communication play in language change" (Culpeper & Kytö, 1997: 60f). The corpus comprises 177 files from the years 1560 to 1760 belonging to speech-related genres, including the categories of speech-purposed genres such

as plays and speech-based genres such as trial proceedings (Culpeper & Kytö, 1997: 60f; Culpeper & Kytö, 2010: 17; Kytö & Walker, 2006: 12f).

The compilers of the *CED* developed the following criteria for the selected samples:
The text samples should:

- belong to one of the text types described above
- contain speech representations, preferably in the form of direct speech
- preferably contain speakers of both sexes
- preferably contain speakers who are representative of different social classes
- represent the language of the period 1560-1760
- preferably be the earliest surviving printed version.

http://www.helsinki.fi/varieng/CoRD/corpora/CED/index.html (June 6, 2020)

The *CED's* trial section contains 40 trial records (285,660 words) concerned with offences such as murder, high treason, robbery, theft, arson, etc. They were distributed into five forty-year periods (E1 1560-1599; E2 1600-1639; E3 1640-1679; E4 1680-1719; E5 1720-1760) according to the compilers' criteria mentioned above. Due to the smaller number of available sources, the trial numbers in the first two periods (1560-1639) are significantly lower compared to the later periods. This is also reflected in the lower variety of offences such as high treason, murder, and libel. Only a few trials from periods 1 and 2 are drawn from sources published close to the time of the trial. In contrast, all trial records from periods 3 to 5 (1640-1760) are taken from sources published no more than 45 years after the trial. Table 3 shows the number of trials and their word count in each period (1560-1760) in the *CED*.

Table 3: Word counts and number of trial records in the five forty-year periods (1560-1760)

Period	Time span	Number of trials	Word count
1	**1560-1599**	**3**	**19,940**
2	**1600-1639**	**4**	**14,430**
3	**1640-1679**	**10**	**70,010**
4	**1680-1719**	**11**	**96,630**
5	**1720-1760**	**12**	**84,650**
Total		***40***	***285,660***

Although all records were rigorously checked against related data to ensure their authenticity (Archer 2005: 14), some sources from periods 1 and 2 overlap with texts from *A complete*

collection of State Trials[5], a non-contemporary source, for example, the *Trial of Robert Hickford* (1571). Most of the trials reported in the *State Trials* are cases of high treason, whereas offences such as murder, bigamy, or perjury only became part of the publication when

(a) the nature of the crime was astonishing

(b) the defendant was of public interest, such as Lady Frances Countess of Somerset, who was accused of poisoning Sir Thomas Overbury (*State Trials*, 1730, 1: 331-334)

(c) the perpetrator was connected to another important trial such as Titus Oates, who was accused of perjury in several high treason trials (*State Trials*, 1730, 4: 1ff).

Many of the EModE texts concerning ordinary criminal trials and cases of misdemeanours have not survived (Langbein, 1978: 265f), whereas the surviving high treason trials are prone to later textual changes. Nevertheless, these texts have advantages over other sources such as a minimum of scribal interference, the use of similar modern stenographic, and they show language use of the time. The latter is criticised by Cecconi (2012) when she points out that "the reduction of the scribal interference hinders what could be an equally valuable analysis of the dialogic interaction existing between the recorder's stance and the direct speech of the participants (especially in famous political trials)" (Cecconi, 2012: 23). Her argument presents an important fact and points to a possible biased view of the scribe. Most researchers have to work with the few existing court records from the late Elizabethan and early Stuart periods, but additional information about famous political trials in books, letters, or other publications is often available. However, it is important to remember that the EModE trial records were intended for publication, especially those which concerned trials of "public interest" such as cases of high treason, murder, robbery, and theft. Although many of them claimed to be truthful and authentic (Culpeper & Kytö, 2000: 188), their main aim was to provide entertainment to their readership.

5.3.2. *Socio-Pragmatic Corpus (SPC)*

The *Socio-Pragmatic Corpus* (1640-1760) is a specialised sub-section of the *CED* and includes the court proceedings and drama files of the periods 3 to 5 (1640-1760). The 16 court records (103,980 words) of the *SPC* and the 12 drama-comedy texts (115,800 words) are

[5] State Trials = A complete collection of state-trials and proceedings upon high-treason, and other misdemeanours; from the reign of king Richard II. to the end of the reign of king George I. 6 Vols. London 1730. An edition that was published for the first time in four folio volumes in 1719, later in 1730 revised and extended to six volumes, and between 1809 and 1826 published again in 33 volumes of the fifth edition (State Trials 1730).

sociopragmatically annotated by Culpeper and Archer (2007: 8f). They have developed a scheme that identifies the gender, age, role, and status/social rank of the speaker and addressee in each text on a turn-by-turn level.[6] Such information is crucial for the thesis, as the analysis of (im)polite language also includes the context of each trial and the sociohistorical information about the participants. By knowing such characteristics, it is possible to pursue the question of whether the utterances are polite or politic, impolite, rude or forms of verbal aggression. The compilation of the *Socio-Pragmatic Corpus* (*SPC*), which provides additional information on age, gender, social status, and rank of the speaker/addressee, also eliminated what Labov (1994) called the bad-data problem.

The sociopragmatic information of the *SPC* for trial participants includes age, gender, social status, role of the speaker/addressee and information about who addresses whom in each turn. The intention of the compilers was to invent a tagging scheme which "interface[s] with four fields – namely, historical linguistics, pragmatics, corpus linguistics and sociolinguistics" (Archer, 2005: 106) and that can be used for socio-pragmatic analyses in particular (Culpeper & Archer, 2007: 6). Table 4 presents the field tags and their possible values of the scheme:

Table 4: Tag fields and values (adapted from Culpeper and Archer 2007: 8)

Field	Feature marked	Sign	Possible values
1st	Speaker(s)	speaker=	s (single speaker), m (multiple speakers)
2nd	Speaker ID tag	spid=	e.g. s3tmoder001
3rd	Gender of speaker	spsex=	m (male), f (female), n (neither)
4th	Role of speaker	sprole1=	*Activity role* [optional] e.g. w (witness), d (defendant)
		sprole2=	*Kinship role* [optional] e.g. e (husband), g (wife), f (father)
		sprole3=	*Social role* [optional] e.g. s (servant), t (master/mistress)
		sprole4=	*Dramatic role* [optional] (seducer), (seduced), (fool), (villain)
5th	Status\social rank of speaker	spstatus=	0 (nobility), 1 (gentry), 2 (professions), 3 (other middling groups), 4 (ordinary commoners), 5 (lowest group)
6th	Age of speaker	spage=	6 (young), 8 (adult), 9 (older adult)

According to Archer (2005: 113f), the definition of the category "social rank" is based on title (heritable or not), income, type of employment and ownership of the speaker and addressee and proposes the following definitions:

[6] Archer (2005) based her work on the sociopragmatically annotated trial subsection of subperiods E3 to E5 (1640 to 1760), whereas Lutzky (2012) extended the annotation of the drama subsection to subperiods E1 and E2 (1560-1639).

- Nobility [status = 0]: Royalty, and those with certain hereditary or conferred "titles" that allow them to sit in the House of Lords, including "ecclesiastical" Lords such as *Duke, Marquis, Earl, Viscount, Baron, Archbishop*, or *Bishop*.
- Gentry [status = 1]: Upper clergy and non-hereditary knights who cannot sit in the House of Lords, persons entitled to bear arms and/or recognised (legitimately) fit to govern, and those who can legally add the title "Esquire" to their name. They also have a substantial income of over £2,000 per annum and hold the titles *Sir* (+ first name and surname), *Knight, Major General*.
- Professional [status = 2]: These individuals have skilled occupations that focus on "service", including civil servants, teachers, army and naval officers, and members of the three "learned professions", namely law, medicine, and the church. Examples are *clergymen, lawyers, medical practitioners (doctors), school teachers, military and naval officers*.
- Other middling groups [status = 3]: These people are directly involved in trade and commerce whose focus is on production or distribution as opposed to service. Their income ranges from £50 to £2,000 and includes *people working as manufacturers, wholesalers, retailers, merchants, money-lenders, skilled craftsmen*, and *financiers*.
- Ordinary citizens [status = 4]: These people work on someone else's materials or in someone else's fields, household, or manufactory with an income of less than £50 per annum. Examples are the "labouring folk", *yeomen, poor husbandmen, wage labourers, apprentices to the non-professional occupations*.
- Lowest groups [status= 5]: This group includes *common seamen, servants, cottagers, paupers, unemployed people, common soldiers,* and *vagrants*.

(Culpeper & Archer, 2007: 9f; Lutzky, 2012: 65-66)

While the category "social status" is based on various characteristics, the definition of "age" only distinguishes between "adult" [age= 8], which include people between 15 and 44 years, and "older adult" [age= 9], namely people over 45 years of age (Archer, 2005: 114). With this information in mind, the following example, drawn from the *Trial of Anthony Babington, etc.* (13/14. 9. 1586) (see Chapter 10, Appendix), presents the identification number of each trial participant and the annotation scheme for an utterance made by Judge Sir Christopher Hatton to one of the defendants (John Savage):

[^LIST OF ID CLASSIFICATIONS:
s1tbabig001 = Miles Sandes, Clerk of the Crown
s1tbabig002 = John Savage, defendant
s1tbabig003 = Sir Edmund Anderson, Judge
s1tbabig004 = Sir Roger Manwood, Judge
s1tbabig005 = Sir Christopher Hatton, Judge
s1tbabig006 = Mr. John Popham, Attorney General
s1tbabig007 = John Ballard, defendant
s1tbabig008 = Anthony Babington, defendant
s1tbabig009 = Robert Barnewll, defendant
s1tbabig010 = Chidcock (Chidiock) Titchburne, defendant
s1tbabig011 = Sir Thomas Salisbury, defendant
s1tbabig012 = Henry Donn, defendant
s1tbabig013 = Court
s1tbabig014 = all seven defendants^]

According to the tag fields and values, the following passage provides the information given below:
[$ (^Hatton.^) $] <u speaker="s" spid="s1tbabig005" spsex="m" sprole1="j" spstatus="1" spage="9" addressee="s" adid="s1tbabig002" adsex="m" adrole1="d" adstatus="1" adage="x">(^Savage^), I must ask thee one Question: Was not all this willingly and voluntarily confessed by thy self, without Menacing, without Torture, or without offer of any Torture?</u>

The annotation informs that in this case the *speaker* is Christopher Hatton, who is *male*, holds the role of a *Judge* in the trial, his status is that of *gentry*, and is an *older adult*, namely he is older than 45 years. The addressee is John Savage, a *male defendant* and his status is that of *gentry* (*gentleman*) of an unknown age.

With this annotation scheme, and in particular with the category "social status" as a non-linguistic feature, it is possible to examine the trial participants' power positions in the courtroom as a function of their given roles during the trials and then compare these with their power positions within the social hierarchy of the EModE period. This enables the investigation of a possible influence of non-linguistic factors (age, gender, social status, and role) on language use in high treason and ordinary criminal trials.

5.4. The extended *SPC* (1560-1639)

5.4.1. Court records

The existing trial section of the *SPC*, which covers the period from 1640 to 1740, provides sociopragmatic information on the speaker's and addressee's age, gender, rank, and social status. The annotation scheme is based on a turn-by-turn level, which allows the utterances to be analysed in terms of questions and answers of the different speakers and addressees (Archer, 2005), for example. As a sub-corpus of the *CED*, the trial section of the *SPC* comprises 16 trials drawn from the periods 3 to 5 (1640-1760) of the *CED*. Trials from the first two periods 1560 to 1639 are completely missing. The aim of the present study is to make more historical trials available for further research and to fill the research gap by extending the *SPC* to cover the period 1560 to 1639. Moreover, as McEnery et. al (2006: 13ff) propose, a corpus should be balanced, representative, and include different samples. Therefore, the aim for extending the *SPC* is to annotate the existing trial records from periods 1 and 2 and to add new ones. The objective is that periods 1 and 2 should be similar in terms of size and number of trials compared to periods 3 to 5 (1640-1760).

The first step was to decide which of the seven existing court records from periods 1 and 2 (*CED*) could be used for the extended version of the *SPC*. The hypothesis of the thesis is that different types of trials (high treason and ordinary criminal) were perceived differently by the public due to the seriousness of the offence. Consequently, both types of trials should be represented in the corpus. This criterion excluded other crimes that were tried in different courts such as naval or ecclesiastical courts and with military/clerical judges. In addition, it is important that the defendants were charged with one particular offence, high treason or ordinary criminal, in order to examine whether non-linguistic features such as social status influenced language use during the trial. This cannot be verified in the case of multiple offences committed by one defendant. Therefore, court records should meet the following criteria:

- They should include a trial involving a criminal offence.
- The trial type should be either a high-treason or an ordinary crime.
- The trial should not be taken place in a naval court, nor should the crime involve religious offences.
- The judges and the court should be neither maritime nor ecclesiastical.

The first and fourth criteria led to the exclusion of one trial from the second subperiod of the *CED*, where the Bishop of London and the Archbishop of Canterbury chaired several trials. The remaining six trials are the following:

In the first subperiod (1560 to 1599): three high-treason trials

- Trial of Thomas Howard Duke of Norfolk: 16. 1. 1572
- Trial of Robert Hickford: 9. 2. 1571
- Trial of William Parry: 25. 2. 1585

In the second subperiod (1600 to 1639): two murder trials, and one trial for libel[7]

- Trial of Lady Frances Countess of Somerset: 24. 5. 1616
- Trial of Robert Carr Earl of Somerset: 25. 5. 1616
- Trial of Dr. Bastwicke, Mr. Burton, and Mr. Prynne: 14. 6. 1637

As presented above, one of the aims of extending the *SPC* was to make subperiods 1 (1560-1599) and 2 (1600-1639) comparable with subperiods 3 to 5 (1640-1760) in terms of size and number of trials. The latter comprises 16 trials with 33,460 words in period 3 (1640-1679), 38,550 in period 4 (1680-1719), and 31,970 in period 5 (1720-1760), whereas the existing six trial records have a word count of approximately 26,000 words (periods 1 and 2, 1560-1639). As a result, the decision was made to add two court records to each period, which should meet the following criteria:

- The trials should be of public interest or historical significance, either because of the crime or because of the defendant(s). Additional literature such as biographies, letters, publications about the event and the historical background should be available to explore the historical and religious contexts of these trials.
- The source texts should either be contemporary or, if not available, additional sources such as manuscripts or later publications should be consulted to enable a textual comparison between the different texts, if necessary. This criterion is important in terms of authenticity and reliability of language use, as shown above. The following four trials fulfilled both criteria:

[7] *Libel* was closely related to *high treason*, but a lesser charge. I have used the court record for the *SPC*, because of its closeness to *high treason* and that in this particular trial, legal counsel did not defend the defendants in court, and, finally, because it is part of the existing *CED*.

For period 1 (1560-1599):

- *Trial of Anthony Babington, Chidiock (Chidcock) Titchburne, Thomas Salisbury, Robert Barnewell, John Savage, Henry Donn, John Ballard*: 13-14 Septmber 1586
- *Trial of Edward Abington, Charles Tilney, Edward Jones, John Travers, John Charnock, Jerome Bellamy, Robert Gage*: 15 September 1586

Both high-treason trials are significant for the early reign of Elizabeth I because the defendants questioned and endangered the Queen's claim to the throne due to their connection to Mary Stuart. Moreover, the punishment of the defendants was extremely brutal and was not repeated during Elizabeth's time.

For period 2 (1600-1639):

- *Trials of the Earls of Essex and Henry Earl of Southampton*: 19 February 1601
- *Trial of Sir Walter Raleigh*: 17 November 1603

Both high treason trials present three of the most famous courtiers of the time and their downfall. The *Trial of the Earls Essex and Southampton* (1601) took place in the last year of Elizabeth's reign and focuses on two men closely associated with Elisabeth's court and her person. In addition, this trial influenced to some extent the *Trial of Sir Walter Raleigh* (1603), which took place during the early reign of James I. During Essex's trial, Sir Walter Raleigh gave evidence against the Earl of Essex, which led to Essex's execution. It was an act that King James I, a close friend of Essex, never forgave Raleigh for. Both trials reflect the political situation and changes at the beginning of the 17th century and both depict the language used by the trial participants in the EModE courtroom differently due to the specific historical backgrounds of each trial.

Adding these four trials[8], the first two periods of the extended version of the *SPC* comprise 10 trials with a total of 50,221 words (25,855 in E1 and 24,366 in E2). Although high-treason trials predominate in both subperiods due to the availability of the source material, the selected court records provide an insight into the proceedings of the historical courtroom and in particular into the political situation of the EModE period. Moreover, the samples of the four new trial records include all three phases of a trial (indictment, plea, and verdict), which

[8] These four new trial records were also added to the *CED*.

gives the researcher a better overview of the development of the trial. As Cecconi (2012: 23) argues, some *CED* trial samples do not contain all these three phases of a trial.

Table 5 shows an overview of the first two trial sections of the extended version of the *SPC*, displaying the name, offence, date of the proceeding, the publication date, the verdict, and the word count of each annotated trial. It is important to note that the 6 court cases that originally belonged to the *CED* were adopted for the *SPC* without any changes such as in terms of word count. Therefore, despite the low word count, the *Trial of Lady Frances (1616)* was also included in the *SPC*. There is, of course, a risk of data skewing, but due to the scarcity of data in general and the importance of the trial in particular (see Chapter 10, Appendix), this approach was a practical necessity.

Table 5: The extended *SPC*: subperiods 1 and 2

Sub-period 1 (1560-1599)	**Offence**	**Trial date**	**Publication date**	**Verdict**	**Word count**
Trial of Thomas Howard Duke of Norfolk	HT	1571	1730	guilty	15,000
Trial of Mr. Robert Hickford	HT	1571	1730	guilty	1,590
Trial of William Parry	HT	1584	1585	guilty	3,350
Trial of Anthony Babington etc.	HT	1586	1730	guilty	3,699
Trial of Edward Abbington etc.	HT	1586	1730	guilty	2,216
Total	**25,885 words**				
Sub-period 2 (1600-1639)	**Offence**	**Trial date**	**Publication date**	**Verdict**	**Word count**
Trial of the Earls of Essex and Southampton	HT	1601	1730	guilty	7,178
Trial of Sir Walter Raleigh	HT	1603	1730	guilty	9,738
Trial of Lady Frances	M	1616	1730	guilty/pardoned	640
Trial of Robert Carr Earl of Somerset	M	1616	1730	guilty/pardoned	3,820
Trial of Dr Bastwicke etc.	Mis.	1637	1639	guilty	2,990
Total	**24,336 words**				

Table 5 also shows the four newly added court records[9] drawn from the second edition of the *State Trials* (1730). The reasons for using this particular publication are the following:

- No contemporary publications are available for the four new trials.
- The compilers of the *CED*[10] used the 1730 edition of the *State Trials* (1730) for four trials of the first two subperiods, two in each period. In the absence of other publications, it was chosen to follow the compilers' decision and use this edition.

In order to obtain additional information on the trials, to avoid possible biased text editions, and to compare different source materials, existing manuscripts and other reports on these trials were searched for. The following section gives an overview of this process.

5.4.2. Source material

The Trials of Anthony Babington and Edward Abbington (1586)

The two trials *Trial of Anthony Babington etc.* and *Trial of Edward Abbington etc.*, both in 1586, are high treason trials made famous by the defendants' connection to the conspiracy to free Mary Stuart from her imprisonment and to replace Elizabeth I on the English throne. The 14 defendants involved in this plot were caught and tried in two separate trials on 13-15 September 1586. Accounts of these trials are published in the *State Trials*. Additionally, studies of Kytö and Walker (2003) and Walker (2007) note that the British Library (London) holds manuscripts relating to the *Trials of Anthony Babington and Edward Abbington* (1586). Using digital available[11] and printed catalogues[12] from the 19th century, reports on both trials could be found in MS Stowe[13] 396:

- "The arraignment of Edward Abington, Charles Tillbey, Edward Jones, John Travers, John Charnock, Jerome Bellamy, and Robert Gage the XVTH of September 1586" (fol. 45-55)
- "The arraignment of Anthony Babington, Chidcock Titchborne, Thomas Salisbury, Robert Barnwell, John Savage, Henry Donn and John Ballard in Westminster Hall on Tuesday and Wednesday the thirteenth and fourteenth of September 1586". (fol. 29-42)

[9] Trial of Edward Abington et. al.; Trial of Anthony Babington et al. (1586); Trial of the Earls of Essex and Southampton (1601); Trial of Sir Walter Raleigh (1603).
[10] Trial of Thomas Howard Duke of Norfolk (1571), Trial of Mr. Robert Hickford (1571), Trial of Lady Frances Countess of Somerset (1616); Trial of Robert Carr Earl of Somerset (1616)
[11] http://www.bl.uk/collection-guides/stowe-manuscripts (July 31, 2018)
[12] Catalogue of the Stowe manuscripts of the British Museum, volumes 1 and 2, University Press, London 1895 and 1896.
[13] The Stowe MSS. were collected during the 19th century by George Temple Nugent-Grenville, Marquis of Buckingham, and derive their name from having been kept at Stowe, his seat in Buckinghamshire.

When comparing the texts of the manuscripts and the published versions in the second edition of the *State Trials* (1730), it became clear that there were differences in terms of spelling and regarding missing/additional words/sentences/passages. In order to make this additional information available to other researchers, these discrepancies for both *SPC* files were inserted into the relevant text files of the corpus in the form of editorial comments. The aim was to create the possibility for further lexical and grammatical research, in particular with regard to the alterations between the manuscripts and later published text editions.

The Trials of the Earls Essex and Southampton (1601)

In the EModE period, the transcripts of various high treason trials were altered according to the current political/religious situation. During this time, it was common to compose and publish court reports without the official commission of the court, which makes the question of the authenticity of these texts very difficult today. This is especially true for the source records on the *Trials of the Earls Essex and Southampton* (1601). The various existing accounts were according to Jardine (1832: 387) "unjust and partial" and led to an official written apology[14] by Sir Francis Bacon, one of the prosecutors in this trial, in 1604.

Nonetheless, numerous records of this trial have been published, but most of them were flawed. Available source materials include, for example, the following reports:

- *The arraignment, Tryal and Condemnation of Robert Earl of Essex, and Henry Earl of Southampton* (1679), which appears to be the basis for the texts in the 1730 edition of the *State Trials* edition.
- *Dr. Farmer Chetham Manuscript Collection* (1873), which is the most reliable existing version of this trial and has been added to the deposition section of the *CED*. However, the manuscript presents most of the trial in a narrative version with only a few direct speech passages.
- A full account of the trial can be found in the Sloane collection of the British Library (Sloane 1427)[15], which is the same version as the *Chetham MS*.
- The copy printed in the 1730 edition of the *State Trials*, which is an abbreviated transcript of the manuscript of Sir Robert Cecil, Earl of Salisbury (Jardine, 1832: 310). However, the court transcript was taken down by one spectator, whereas Jardine's

[14] "His apology, in certain imputations concerning the late Earl of Essex" (1604).
[15] The Sloane manuscript collection was compiled by Sir Hans Sloane, Bart., M.D. and sold to the state after his death on 11 January 1753.

(1832) version of the trial brought together various texts by different authors. As a result, it is impossible to distinguish Sir Robert Cecil's account from two other reports written down by spectators.

The decision to use the version printed in the *State Trial* is that it contains depositions and other source material necessary for understanding the trial events, which is often missing in other publications. With such a variety of versions of a trial, it is important to use additional background literature such as letters and biographies to fully comprehend the context of the trial.

The Trial of Sir Walter Raleigh (1603)

The Trial of Sir Walter Raleigh (1603) is possibly the best documented, analysed, and studied case concerning the problem of unlawful charges from the EModE period. In the 19th century, scholars such as Edwards (1868) began to take an interest in Raleigh's trial and sought to establish his innocence. Consequently, there are a large number of publications comparing the account printed in the *State Trials* with manuscripts or other available books. The only contemporary account of the trial is found in Sir Thomas Overbury's book *The Arraignment and conviction of Sir Walter Rawleigh* (1648), which is largely written in narrative form and refers to the insults made by the Attorney General, Sir Robert Coke, to the defendant during the trial.

The reason for using the report printed in the *State Trials*, despite being abridged and probably redacted, is that this text contains additional sources such as witness statements and letters which were read during the trial. These records provide crucial background information about the trial and those involved in the case. In contrast, other printed versions such as Jardine (1832) and Edwards (1868) assemble all available sources into an entirely new record of the trial, making their editions unreliable sources. Nevertheless, their versions of the trial are excellent additional resources because they provide accurately documented sources and show the differences and modifications in the various manuscripts.

It appears that the only contemporary manuscript of the *Trial of Sir Walter* is in the Harleian Manuscript Collection (*MS Harley 39*)[16], which, according to Edwards (1868: 385), was copied into the Miscellaneous MS (a kind of Common-Place Book) by a contemporary

[16] http://www.bl.uk/reshelp/findhelprestype/manuscripts/harleymss/harleymss.html (31 July 2018)

reporter a few years after the trial (c. 1612). Nonetheless, it seems abridged compared to other editions. Some text passages are either shortened or missing altogether, probably due to the scribe's lack of ability to follow the pace of the trial. Furthermore, the MS does not contain the epithets and insults of the Attorney General, Sir Robert Coke, for which the trial is famous and to which Overbury refers in his contemporary publication.

By and large, the search for contemporary source material shows the challenges of finding suitable trial texts for the late Elizabethan and early Stuart periods. However, it also shows the possibilities of obtaining a more detailed picture of the period by comparing different accounts of a trial and emphasises the political and religious reasons for editing trial records.

5.4.3. Data extraction

The newly compiled corpus consists of 10 court transcripts of the first two trial sections of the extended version of the *SPC* with a total word count of 50,221, of which 25,885 words are in the period E1 (1560-1599) and 24,336 words in the period E2 (1600-1639). Each trial contains direct speech in the form of turns, indirect speech to inform the reader about the events in the courtroom, the content of depositions, etc., and comments by the compiler. For the quantitative and qualitative analyses, the direct speech of the defendants, members of the prosecution counsel, and judges in the text excerpts of each trial was manually marked and then extracted via search options. This resulted in individual files containing the direct speech of each defendant, judge, and member of the prosecution for each of the 10 court cases.

Using *WordSmith Tools* (Scott, 2004–2006), a computer-based text analysis tools, a frequency word list was extracted from the first two subperiods of the extended version of the *SPC*. However, this study focuses exclusively on the utterances of the three speaker groups: judges, members of the prosecution, and defendants. Therefore, the utterances (direct speech passages) of the trial participants were extracted from the above-mentioned 10 court cases. The resulting data comprise a total word count of 38,595 words (19,161 words for the period 1560 to 1599 and 19,434 words for the period 1600 to 1639). Table 6 and Table 7 present the direct speech passages of subperiods 1 and 2 as a percentage for each trial and distributed among the three speaker groups of defendants, members of the prosecution, and judges, and the overall distribution.

Table 6: Distribution of direct speech in percentage in each trial and the overall distribution according to the roles of the participants in subperiod 1 (1560-1599)

Trial	Direct speech of defendants	Direct speech of members of the prosecution	Direct speech of judges
Trial of Thomas Howard Duke of Norfolk (1571)	**45.41%**	**51.99%**	**2.60%**
Trial of Robert Hickford (1571)	**69.03%**	**10.16%**	**20.81%**
Trial of William Parry (1585)	**25.31%**	**53.14%**	**21.55%**
Trial of Anthony Babington et al. (1586)	**47.26%**	**0.84%**	**51.90%**
Trial of Edward Abington et al. (1586)	**70.96%**	**17.25%**	**11.79%**
Total	***46.65%***	***43.96%***	***9.39%***

Table 7: Distribution of direct speech in percentage in each trial and the overall distribution according to the roles of the participants in subperiod 2 (1600-1639)

Trial	Direct speech of the defendants	Direct speech of members of the prosecution	Direct speech of Judges
Trial of the Earls Essex and Southampton (1601)	**6.02%**	**29.89%**	**3.09%**
Trial of Sir Walter Raleigh (1603)	**40.34%**	**51.91%**	**7.75%**
Trial of Frances Countess of Somerset (1616)	**6.45%**	**45.70%**	**47.85%**
Trial of Robert Carr Earl of Somerset (1616)	**41.40%**	**38.23%**	**20.37%**
Trial of Dr. Bastwicke et al. (1638)	**75.76%**	**0.00%**	**24.24%**
Total	***52.19%***	***36.71%***	***11.10%***

Table 6 and Table 7 show that the distribution of the direct speech passages among the three speaker groups differs significantly. While defendants (46.64% and 52.19%) and members of the prosecution (43.96% and 36.71%) have similar totals in both subperiods and also in comparison to each other, the overall percentages for judges are significantly lower compared to defendants (9.39%) and members of the prosecution (11.10%). These results indicate that judges interact less with other trial participants during the trial. The reason for this is that the proceedings in the EModE courtroom (see Chapter 2.2.) were based on the legal principle that the defendants had to defend themselves, whereas the prosecution counsel, with three or four attorneys, presented the case to the jury and the judges. Therefore, the judges' main task was to chair the trial and to explain, advice, or clarify the legal procedure to the other participants when necessary (see Chapter 2.4.). Table 8 shows an overview of the total word count regarding subperiods 1 and 2 and distributed according to the trial participants' roles.

Table 8: Number of words (direct speech) per role and period

Role	E1 (1560-1599)	E2 (1600-1639)	Total
Defendants	8,938	10,142	**19,080**
Prosecution	8,423	7,135	**15,558**
Judges	1,800	2,157	**3,957**
Total	***19,161***	***19,434***	***38,595***

The quantitative and the qualitative analyses of the study are based on the data presented in Table 8 and focus on forms of address that are generally used to achieve politeness or impoliteness, the two pronouns of the second person singular *you* and *thou*, and nouns typically found in trial proceedings and used differently by trial participants in relation to their preassigned roles and positions of power during the trials. These linguistic features are examined according to their frequency and in the contexts of political and historical events, using background information as additional non-linguistic features. This method is crucial for the analysis because the linguistic behaviour of trial participants during the trial may have been influenced by political circumstances outside the courtroom, for example.

5.4.4. Frequency word lists

From the data presented above (38,595 words), a frequency word list was constructed using *WordSmith Tools*. From this generated word list, the five most frequent nominal forms of address that are generally used to achieve politeness or impoliteness and nouns that typically occur in trial proceedings such as *evidence* were selected and serve as data material for the study. In addition, the two second-person pronouns *you* and *thou* were extracted from the data with their frequencies. The reasons for using these three categories are as follows:

1. In the EModE period, the two pronouns of the second person singular *you* and *thou* are used differently either as the standard form of address or as an expression of affection (positive and negative). Therefore, *thou* denotes either offensive language or closeness and solidarity when it is not used in indictment, plea, or verdict. This is an important fact because *thou* also indicates closeness between social peers and friends and many trial participants knew each other well. *You* and *thou* also reflect the asymmetrical power positions and structures of the EModE courtroom. Therefore, by choosing between them, the speaker emphasises his/her power position within the courtroom and, therefore, shows his/her attitude towards the addressee (see Chapter 4; Finkenstaedt, 1963; Walker, 2007).
2. Nominal forms of address that are generally used to achieve politeness or deference such as *Lordship* or impoliteness such as *traitor* show, as two ends on a scale, how one trial

participant addresses or refers to another politely or insultingly during the trial. When considering whether or not the chosen linguistic form is used respectfully, it is crucial to remember that this is influenced by the formality and rituals of EModE trial proceedings. Therefore, the use of epithets and forms of address that cause offence reflects a serious violation of the trial proceeding's formality (see Chapter 2.3; Lakoff, 1989). Furthermore, social hierarchy expressed through social status outside the courtroom is addressed through a variety of different forms of address, a fact that must also be taken into account when analysing forms of address (see Chapter 2.1.; Nevalainen & Raumolin-Brunberg, 2003; Wrightson, 2004).

3. Nouns typically co-occur in trial records such as *treason*, *evidence*, or *proof* might have been used by the different speaker groups in relation to positions of power and thus according to their preassigned roles in the trial. For example, asking for *mercy* reflects a less powerful position in court, whereas providing *evidence* against someone shows the opposite. Therefore, such nouns provide additional information about the particular trial and about the behaviour of the participants during the trial. Moreover, as presented in Chapter 4, the given roles of the trial participants are not static but part of a dynamic processes of communication. By definition, each noun has its own meaning and can be used differently by the trial participants to emphasise arguments or to discredit others (Grainger, 2018; Watts, Ide, & Ehlich, 1992).

Table 9: The results of the frequency word list regarding (im)polite forms of address, nouns co-occurring in trials, and pronominal forms (raw figures)

Number of occurrences	**Forms of address**	**Form of insults**	**Nouns connected to trial proceedings**	***you***	***thou***
	Lord(e) (201)	Traitor (23)	Treason (81)	You (740/606)	Thou (116)
2.	Sir (90)	Traitors (6)	Mercy (36)		Thy (36)
3.	Duke (86)	Fool (4)	Truth/Trueth (24)		Thee (23)
4.	Mr. (73)	Wretch (4)	Treasons (23)		Thy (self) (10)
5.	Lords (67)	Viper (3)	Evidence (22)		Thine (5)
6.	Lordship (15)	Plotter (2)	Confession (21)		Thyne (1)
7.	Lordships (14)	Villain and Villian (2)	Accusation (20)		
8.	Lady (12)	Spider (1) and Spiders (1)	Proof (16) and Proofs (10)		

Table 9 shows the five most frequently attested nominal forms of address, insults (epithets), and nouns typically co-occurring in trial proceedings with the number of occurrences for each finding. Additionally, the instances of the two pronouns of the second person singular *you* and *thou, including thy*, *thee*, *thy* (*self*), *thine*, and *thyne* are also presented. The nominal forms of

address *Queen* (191), *Majesty* (134), *King* (105), and *Bishop* (58) are excluded from the analysis because they are used exclusively as references during the trials. To extend the scope of the analysis, the next three most frequently occurring forms of address were added to the list. This includes *Lordship* (15), *Lordships* (14), and *Lady* (12), whereas the feminine form *Ladyship* does not occur in the data. To the group of forms of address that are generally used to achieve impoliteness are also added the next four frequently attested epithets, *plotter*, *villain[villain]*, *spider*, and *spiders*, and to the group of nouns typically co-occurring in trials the terms *confession*, *accusation*, *proof*, and *proofs* were added.

The following formula is used to calculate the normalised frequencies of forms of address in terms of subperiods, speaker groups (defendants, members of the prosecution, and judges), and functions: form of address, term of reference, used in the indictment/pleading/verdict, and in reported speech. The results of these analyses can be found as figures and tables in the various chapters concerned with the different linguistic features. For example, the normalised frequency (per 1,000 words) for *Lord* as a nominal form of address used by defendants in both subperiods is calculated as follows: (112/19088) * 1000 = 5.87

Lord is attested 112 times for defendants (see Table 10) and is divided by the total number of words (direct speech) of both subperiods (19,080 words, see Table 8) (per 1,000).

5.5. Summary

In summary, the aim of the thesis to examine court records with regard to (im)politeness at the beginning of the EModE period initiated the goal of extending the existing *SPC*, which so far comprised trial records from 1640 to 1760. The small number of *CED* trial records for the first two trial sections used for the *SPC* made it necessary to add new trials in order to obtain a balanced corpus in terms of word count. Finding trials that met the criteria explained in Chapter 5.4.1. was a challenge, but the current extended version of the *SPC* makes it possible for the first time to study linguistic features in the period 1560 to 1639. The sociopragmatic annotation scheme of the trial records provides qualitative information for the study of forms of address in terms of politeness and impoliteness in the historical courtroom and, in particular, the possibility to examine the trial participants in a sociohistorical context. The focus of the thesis to investigate the groups of defendants, members of the prosecution, and judges in the late Elizabethan and early Stuart periods would not have been possible without the compilation of the extended version of the *SPC*. The use of particular corpus linguistic

methods such as frequency word lists and concordance lists makes it possible to compare and contrast the use of forms of address in different speaker groups and in relation to different types of trial proceedings (high treason vs. ordinary criminal trials) before 1640. In addition, the information on the age, gender, social status and rank of the trial participants contained in the annotated and extended version of the *SPC* offers the opportunity to place the results of the quantitative analysis in the context of the historical and political background of the trials from 1560 onwards and to examine the word choice of the trial participants in a much broader way than before. The following chapters present the findings of this research.

6. The extended *SPC*: forms of address to achieve politeness/deference

The following analysis chapter and its subsections focus on politeness strategies in the form of terms of address to express politeness and/or deference to the recipient. In the late 16th and early 17th centuries, formality, fixed judicial rules and a legal language with its own register and lexis prevailed the historical courtroom. At the same time, defendants from the gentry and aristocracy were accused of high treason and conspiracy, sometimes even murder, in show trials. In these trials, the participants were assigned certain roles as defendants, members of the prosecution counsel, or judges and with these roles they were simultaneously given certain positions of power. The following analyses show both the frequency of certain linguistic forms that occur in the extended version of the *SPC* and typically used to achieve politeness or to express deference, and the use of these expressions by the different trial participants during trials. The risk of focusing on individual utterances and assigning politeness values to them on the basis of the linguistic forms used in these utterances has already been discussed in the present study (see Chapter 4).

In this chapter, these forms are analysed using Grainger's (2018) neo-Brown and Levinson framework and Brown and Levinson's (1987) concepts of face-wants/threats and politeness strategies. The concepts of Watts et. al (1992) and Archer are used to a certain degree (see Chapter 4). The results of the analyses are placed in context with the backgrounds of the individual trial and with non-linguistic features such as social status, age, or gender. It is important to keep in mind that in the EModE period, social status and the use of socially accepted forms of address such as *Lord, Lordship, Lady*, *Sir*, etc. were closely linked. Consequently, the use of such forms to achieve politeness when addressing social peers, superiors, or to emphasise the formality of a setting (historical courtroom) was expected, whereas a breach of etiquette and social rules would have been severely punished by EModE society. This means that the occurrences of forms of address used to achieve politeness have to be analysed in context: firstly, regarding the setting (historical courtroom); secondly, in relation to the situation (to elicit information, to emphasise an argument, or to verbally attack someone); and thirdly, with regard to the relationship between speaker and addressee (preassigned role in the trial and personal relationship outside the courtroom). Additionally, terms of address were the linguistic forms that were socially expected and therefore not used strategically to prevent impending face threats (see Jucker 2012). With regard to the EModE courtroom it is important to analyse forms of address in context, namely with regard to the

setting, the preassigned roles, and the social/personal relationships of the participants outside the courtroom.

According to Jucker and Taavitsainen (2003), terms of address are "words or linguistic expressions that speakers use to appeal directly to their addressees" (2003: 1), or, according to Oyetade (1995 qtd. in Braun, 1998: 27), they are "words or expressions used to designate the person talked to while talk is in progress" (Oyetade, 1995: 515). The most frequently used forms of address are nouns and noun phrases because they are crucial to express (in)formality or (im)politeness. EModE, in particular during the late Elizabethan and early Stuart times, possessed, in contrast to modern English, a rich system of nominal forms of address, which use and choice expressed not only the attitude between speakers and addressees but also their social skills (Walker 2007; Hope 2003; Jucker & Taavitsainen, 2003: 2; Mazzon, 2010: 364; Braun, 1988: 9f). Moreover, the usages and meanings of these forms have changed over time. For example, the form *goodman* originally referred to a *yeoman* (Middle Ages*)*, whereas in Elizabethan times it was associated with someone of an inferior social status (Mazzon, 2010: 364). Although the situation in the EModE courtroom does not always reflect precisely the various forms of address, the choice of words is, nevertheless, related to social class and pragmatic elements. Consequently, social class and rank are expressed by titles with respectful qualities such as *your Excellency*, *your Grace*, *your Honour*, hereditary titles (*Count*, *Duke*), appointed titles in the form of military ranks (*Lieutenant*, *Colonel*), or occupational terms such as *Doctor*.

The following sections outline the use of those linguistic forms and their functions as form of address, term of reference, used in the indictment/pleading/verdict, and in reported speech by defendants, members of the prosecution, and judges that are intended to express politeness and/or deference.

The data show that *Lord* is with 201[17] attestations the most frequent form of address, followed by *Sir* with 90, *Duke* with 86, *Mr.* with 73, and the plural form *Lords* with 67 tokens (see Table 10). As presented above, forms such as *Queen* (191 times), *Majesty* (134 times), *King* (105 times), or *Bishop* (58 times) were excluded from the analysis because they were used exclusively as a term of reference in the data, for example someone made a general reference to the King or Queen but did not address them directly. It is important to note that defendants

[17] The total attestation of *Lord* is 204, but 3 occurrences refer to *Lord* in the sense of *God*.

and members of the prosecution used this linguistic feature to made comments about other participants during the trial proceedings whether these people were present or not. Table 11 shows the number of attestations of each form of address used by the three speaker groups and the normalised frequencies based on the total of 38,595 words (direct speech) from subperiods 1 and 2 (1560-1639) (see Table 8)

Table 10: Forms of address in the first two subperiods (1560 to 1639)

Form of address	Number of occurrences	Normalised frequency per 1,000 words
Lord(e)	201	5.21
Sir	90	2.33
Duke	86	2.23
Mr.	73	1.89
Lords	67	1.74
Lordship	15	0.39
Lordships	14	0.36
Lady	12	0.31

Mr.

Mr. usually occurs in the form *Mr. + Attorney*, *Lord Chief Justice*, *Secretary* etc. or +a name such as *Prynne* and is a form that is connected to a profession or occupation. In contrast, all other of the above presented forms of address are titles related to the social classes of gentry or aristocracy. *Sir* occurs mainly in combination with a name, for example *Sir Walter Raleigh*, referring to someone, but is less frequent when addressing someone during the trial or as part of reported speech[18]. The latter is closely connected to witness depositions that were read during trial proceedings. It is important to note that the role of defendants included the task to defend him/herself, and, consequently, to interact with other trial participants such as members of the prosecution, witnesses, or judges. These speaker groups (prosecution and judges) used *Sir* to express polite manners during trials.

Sir

Sir[19] collocates exclusively although rather infrequently with *yea* and *no* when defendants answered questions or made their pleadings. The latter is a ritual that shows the formality of

[18] "Reported speech is a representation of an utterance as spoken by some other speaker, or by the current speaker at a speech moment other than the current speech moment." This includes all relevant meanings involved and the dedicated linguistic devices for signalling them (Spronck & Nikitina, 2019: 122).

[19] In contrast to *Sir*, the address term *Duke* can be found in the data as a term of reference or in reported speech and, therefore, exclusively in combination with the article *the*.

the trial. On two occasions *Sir* is combined with the discourse marker *well*: *"Well, Sir, then we will give Evidence."* (cf. *Trial of Edward Abington et al.* 1586) or *"Well Sir, then I confess I am Guilty."* (cf. *Trial of Anthony Babington et al.* 1586). While the first utterance was made by a member of the prosecution addressing the judge to unfold the evidence before the court, the second was part of the defendant's pleading. In both examples, *well* is used to catch the attention of the addressee, to introduce a new topic, to provide evidence, or plead guilty. The exclamation *oh* can be found twice in an initial position of a turn and followed by *Sir*, namely in the *Trial of Sir Walter Raleigh* (1603). On both occasions the prosecution (Sir Edward Coke) addresses the defendant: *"Oh Sir do I?* and *Oh Sir! I am the more large, because I know with whom I deal"*. Coke uses *oh* as an intensifier to emphasise his utterance. Moreover, *oh* is used in these situations to express the prosecutor's indignation about the defendant being a *traitor* and to show simultaneously his own superior moral position *("I am the more large."*). During this trial, Coke constantly attacks the defendant Sir Walter Raleigh verbally by using epithets and exclamations, such as *oh*, to stress his arguments. According to Archer's model (2011), Coke's remarks are examples of impoliteness rather than verbal aggression, as his verbal behaviour clearly exceeds his role as a prosecutor, as he does not ask questions but makes negative comments about the perpetrator's defence. With regard to Grainger (2018), Coke uses his more powerful position in the trial to emphasise his personal negative attitude towards the defendant.

Lord(s) and *Lordship(s)*

Lord(s) and *Lordship(s)* usually co-occur with the personal pronouns *you(r)*, *my*, or the article *the* and express respect/deference for the addressee by the speaker. For example, *my Lord* often co-occurs with a name to address or refer to someone: "*You see, my Lords, in this declaration of my Lord of Somerset there is a Brink of Confession."* (cf. *Trial of Robert Carr Earl of Somerset*, 1616). In this trial, the Attorney-General, Sir Frances Bacon, introduces his utterance with "*you see"* as a means of catching the attention of the court, followed by the "*my Lords"*. Then he refers to the defendant as "*my Lord of Somerset"*. When Bacon advocates a partial confession of the defendant, he uses "*my Lords"* to address the social peers and the judges with a socially accepted form regardless of the trial participants' social classes. The use of *my Lords* can be classified as an act that involves deference, showing the court respectful behaviour, whereas at the same time he tells them that the defendant starts to confess. The latter remark is also directed at the defendant in order to put him under pressure

to make actually a confession. To do this, Bacon uses his institutional role and power as a prosecutor.

Lady

Lady is used in two different ways in the *SPC*: firstly, to refer to a female witness or defendant and, secondly, to refer to Queen Elizabeth I. The first type of reference can be found when referring to the only female defendant in the data Lady Frances (cf. *Trial of Lady Frances Countess of Somerset* 1616), to Lady Arabella Stuart[20] (cf. *The Trial of Sir Walter Raleigh* 1603), a relative of King James I, or to Lady Scroope (cf. *Trial of Thomas Howard Duke of Norfolk* 1571). In these utterances, *Lady* usually co-occurs with *my* or the article *the*: *"The Lady is so touch'd with remorse and Sense of her Fault, that Grief surprizes her from expressing of her self."* (cf. *Trial of Lady Frances Countess of Somerset* 1616). In his speech, the prosecutor Sir Frances Bacon expresses closeness when he refers to Lady Frances Countess of Somerset as "*the Lady"*, especially to emphasise her fragility. He also emphasises her remorse and guilt when she confesses to the murder, painting a picture of a young woman who deeply regrets her crime. The prosecutor probably tries to show the repentance of the defendant to the court, making a later pardon by King James I possible[21].

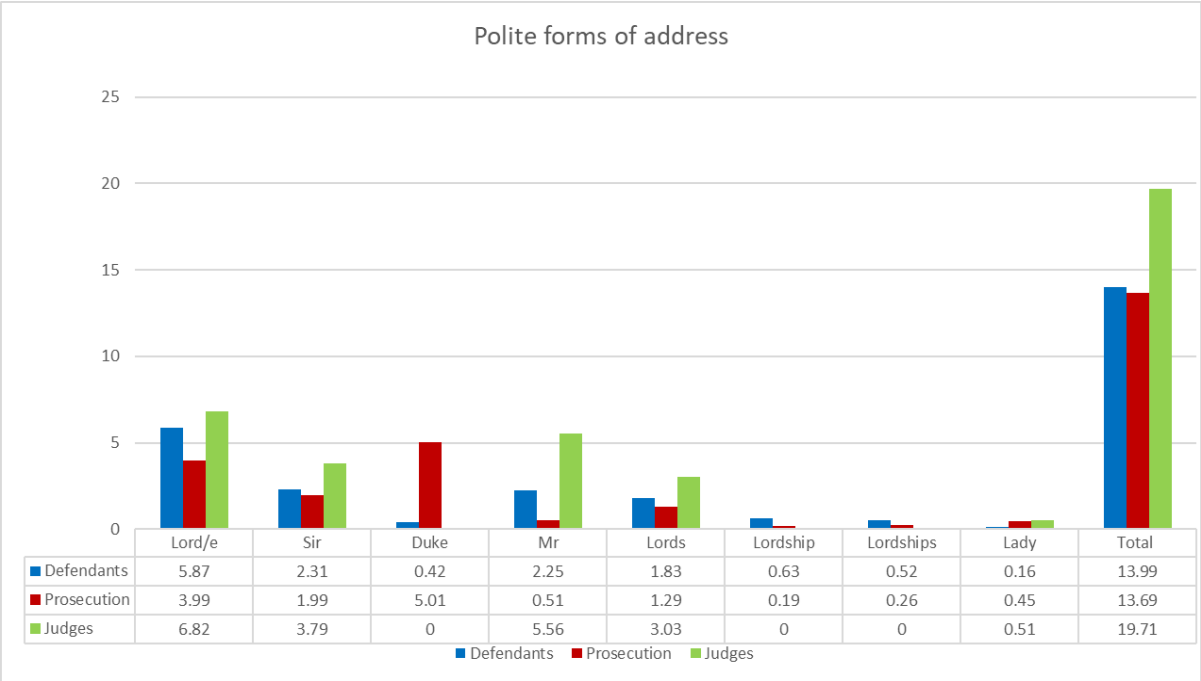
The second use of *Lady* can be found when it co-occurs with *Sovereign* referring to Queen Elizabeth I: *"He gave Advice herein as a Counsellor, against the Queen his Sovereign Lady."* (cf. *Trial of Thomas Howard Duke of Norfolk* 1571). When the prosecuting attorney Nicholas Barham addresses the court, he emphasises the involvement of the Duke with the Scottish Queen Mary Stuart who tried to overthrow Queen Elizabeth I in the so-called Ridolfi plot[22] (1571). He elaborates further that the defendant, the Duke of Norfolk, was working for a foreign monarch against his own Queen, namely he committed *treason*.

6.1. Forms of address to achieve politeness and/or express deference

The most frequent nominal forms of address, *Lord*, *Sir*, *Duke*, *Mr.*, *Lords*, *Lordship*, and *Lordships* in the corpus are used by the three speaker groups differently; Chapter 6.2 presents the distribution of them according to the three speaker groups. The normalised frequencies are

[20] Lady Arabella's great-great grandfather was King Henry VII of England, which meant she was in line to the throne of England, due to her having both Tudor and Stuart bloodlines.
[21] Lady Frances was later pardoned due to various reasons (see Chapter 10, Appendix).
[22] The Ridolfi plot was a plot in 1571 to assassinate Queen Elizabeth I of England and replace her with Mary, Queen of Scots. The plot was hatched and planned by Roberto Ridolfi, an international banker who was able to travel between Brussels, Rome and Madrid to gather support without attracting too much suspicion.

calculated per 1,000 words and are based on the total word count of direct speech used by defendants (19,080), members of the prosecution (15,558), and judges (3,957) in both subperiods 1560-1639 (see Table 8).



	Lord/e	Sir	Duke	Mr	Lords	Lordship	Lordships	Lady	Total
Defendants	5.87	2.31	0.42	2.25	1.83	0.63	0.52	0.16	13.99
Prosecution	3.99	1.99	5.01	0.51	1.29	0.19	0.26	0.45	13.69
Judges	6.82	3.79	0	5.56	3.03	0	0	0.51	19.71

Figure 8: Normalised frequency (per 1,000 words) of forms of address distributed according to the speaker roles

Defendants

Defendants favoured the forms *Lord*, followed by *Sir*, and *Lords* to express politeness/deference. The hereditary title *Duke* is, with a normalised frequency of 0.42, the second least frequent form, whereas *Lady* is used even less frequently with 0.16. *Lady* can be found twice in the *Trial of Sir Walter Raleigh* (1603) in which the defendant Raleigh refers one time to the late Queen Elizabeth I and the other time to Lady Arabella, a bystander in the courtroom. *Lady* also occurs one time in the *Trial of Robert Earl of Somerset* (1616) (see Chapter 10, Appendix). The low frequency of female forms of address is due to the scarcity of the data in the period 1560 to 1639. *Your Lordship*, on the other hand, occurs 12 times, twice in the *Trial of Robert Hickford* (1571) when the defendant, a gentleman, addresses the judge as *your Lordship*, the other 10 attestations can be found in the *Trial of the Earls Essex and Southampton* (1601). Figure 8 presents the use of *your Lordship* in this particular trial. The interaction of the two defendants (Earl of Essex and the Earl of Southampton) with the members of the prosecution counsel, the court, and their peers (the jury) is indicated by arrows.

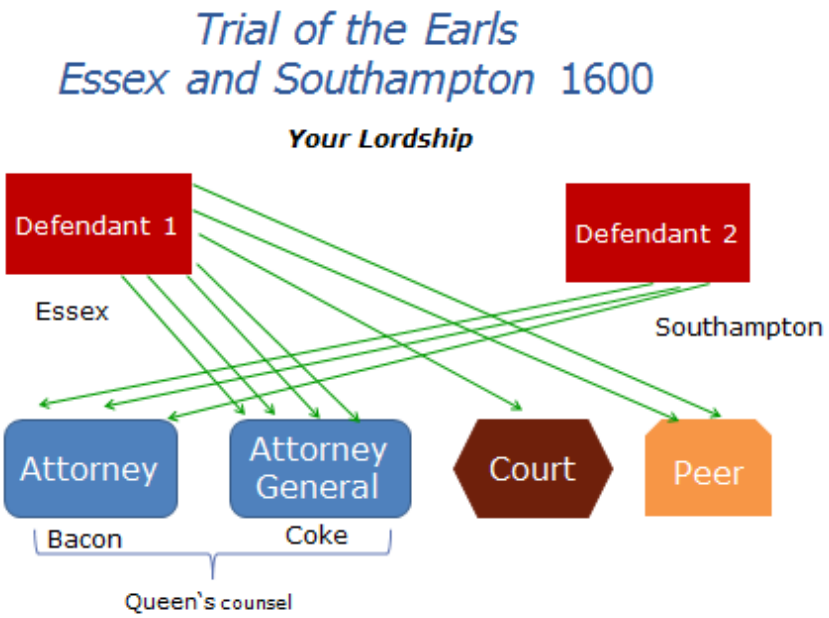


Figure 9: The use of *your Lordship* in the *Trial of the Earls Essex and Southampton* (1601)

Figure 9 shows that the Earl of Essex (defendant 1) addresses the Attorney General, Sir Edward Coke, from the rank of gentry (see Chapter 10, Appendix), as *your Lordship* four times, whereas his social peers twice, and once the court. The Earl of Southampton (defendant 2) addresses only Sir Francis Bacon, as a member of the prosecution counsel, as *your Lordship* (3 times). Neither the judge nor the prosecution uses the form *your Lordship* to address the defendants, although both were of noble birth (aristocracy). The reason for this behaviour is the Attorney General's (Coke) aim to emphasise the fact that Essex is a former favourite of Elizabeth I who has fallen from grace due to his actions during a rebellion (see Chapter 10, Appendix).

Furthermore, the plural form *Lordships* occurs four times in the *Trial of the Earls Essex and Southampton* (1601), three occurrences by the defendant Essex to address the court and one by the defendant Southampton to address the Lord High Stuart and a member of the jury simultaneously. Similarly, in the *Trial of Thomas Howard Duke of Norfolk* (1571) the defendant the Duke of Norfolk (1572) addresses the jurors as *your Lordships*: *"yet one good Proof I have to my Comfort, that they be as please your Lordships to weigh them"*. This fact is remarkable, because Norfolk had the highest social rank of all trial participants in the analysed cases. The reason for choosing this respectful form of address may be that in his later argument he calls the witnesses for the prosecution unreliable and dishonourable: *"they have confessed themselves Traitors, and so Men of no Conscience or Credit."* By choosing

your Lordships to address his social peers, Norfolk makes it clear that he regards the jury as a group of respectful men, whereas the prosecution's witnesses are, according to his point of view, not honourable men (cf. *Trial of Thomas Howard Duke of Norfolk* 1571).

Lordships is most frequently (5 attestations) attested for the three defendants in the *Trial of Dr. Bastwicke, Mr. Burton, and Mr. Prynne* (1638) when addressing the court. For example, the defendant Mr. Prynne addresses the court with the following: *"Why then, My Lords, I have a second motion, which I humbly pray your Honours to graunt; which is, That your Lordships will be pleased to dismisse the Prelates, here now sitting from having any voyce in the censure of this cause, (being generally knowne to be Adversaries) as being no way agreeable with equity or reason, that they who are our Adversaries, should bee our Iudges: […]."* The defendant Mr. Prynne, a barrister from the gentry, appeals to the court that the present clergymen, who he regards as biased, should not have any decision-making powers in the trial. He introduces his request with *"why then"*. The collocation *why + then + my Lords* serves as an address function and can be paraphrased as *"alright my Lords"*. To hedge his request, he addresses the court, and in particular the Lord Keeper[23], Sir Henry Montague, with the deferential expressions *my Lords* and *your Lordships*. This behaviour confirms his preassigned role as defendant and emphasises the asymmetrical power position in the courtroom in general and his weaker power position in the trial in particular. Mr. Prynne also uses the phrase *I humbly pray your Honours*, combining the socially appropriate form of address *your Honours* with the word cluster *I pray*, which signifies, according to Brown and Levinson (1987), negative politeness or, in other words, an act of deference. This phrase shows the defendant's wish that the court grants him a request, which, as Jucker (2011: 191) puts it, "constitutes a threat to the addressee's negative face since it imposes on his or her freedom." The overall respectful manner in which the defendant addresses the judges when making his request and the formality of his choice of words show that as a barrister, he knows how to address the court correctly.

However, the analysis contradicts this first impression. When looking at the utterances from a discursive point of view, it becomes obvious that the phrase such as *"will be pleased"* in the sense of *"you will be glad"* emphasises his request to dismiss the judges and is therefore consistent with their wishes to do the same thing to the defendants. His request functions here

[23] The Lord Keeper in the Star Chamber trials holds the same position as the Lord High Stewart in high treason trials, both are the highest authority during the trial.

as an imposition on the free will of the court and its legal power of choosing the judges. The defendant pushes his request further by stating that it is against the concept of fairness or reason to be judged by opponents. He openly confronts the court using default politeness phrases that are opposed to his role as the accused. With such actions he changes his preassigned role from defendant to prosecutor, thus conforming Grainger's (20118) argument that institutional roles are dynamic. It is important to note that this trial is the only case of the first two subperiods that took place before the Star Chamber, a court that had the reputation for being questionable regarding the impartiality of its verdicts (see Veerapen, 2014). Neither criminal nor high-treason cases were tried at this court, but only cases of misdemeanours This is important because in such cases the defendants had the right to a barrister[24] during the trial. The *Trial of Dr. Bastwicke, Mr. Burton, and Mr. Prynne* (1638) was one such trial[25], in which the defendants were accused of libel.

Members of the prosecution

According to Figure 8 it can be seen that *Duke* is the most frequent form of address (5.01) used by the prosecution. However, when analysing the direct speech data, the results show that the members of the prosecution never address anyone as *Duke* during the trial, but use the expression exclusively as a term of reference and in reported speech (see Chapter 6.2., Duke). *Lord* is the second most frequent form (3.99) to address defendants and the court. This is also evident for *Sir* that usually occurs in the form *Sir* + name. However, when in the *Trial of Thomas Howard Duke of Norfolk* in 1572 members of the prosecution counsel were confronted with a defendant of noble birth, the Duke of Norfolk, their aim was to remind him of his loyalty to Queen Elizabeth I by referring to her as *Sovereign Lady*. During this trial, Nicholas Barham, a member of the Queens counsel, also reprimands the defendant for breaking his oath to his Queen by being disloyal and untrustworthy. Moreover, he accuses the defendant of *treason* when he began working for another monarch: *"Thus, contrary to your Oath, Allegiance, and Fidelity, and against the Credit that you would fain be thought of, you became, by your own Confession, a Counsellor to a foreign Prince against your own Sovereign Lady."* This accusation is serious because the defendant, as a *Duke*, belongs to the highest nobility by birth and should have been unconditionally loyal to the throne.

[24] The word count of the attorney's direct speech is added to the group of the defendants.
[25] As mentioned above, the case is part of the analysis as the court file is part of the *CED* and *libel* is closely linked to *high treason*.

In contrast, when members of the prosecution refer to the only female defendant as *Lady* (0.45), even though her social rank is that of a Countess (*Trial of Frances Countess of Somerset* 1616), this was intended to express compassion and closeness to the defendant. The reason for such behaviour was the special political background of the trial (see Chapter 10, Appendix). Lady Frances Somerset is described in the source texts during the reading of the indictment[26] as a fragile, humble, and weak defendant who shows remorse by weeping and trembling when she stands trial. The scribe's description of her presents the appropriate behaviour for a remorseful woman from the nobility in the 17th century society, a period when the concept of honour and reputation was a crucial aspect for women.

Lords is the prosecution's preferred form to address the court during trials, whereas *Mr.* is used less frequently (0.54). *Mr.*, as a term of reference, is favoured by the prosecution to refer to others or to address legal colleagues: *"The Proof, Mr. Attorney will follow;"* (cf. *The Trial of Robert Carr Earl of Somerset* 1616). While *Lordships* is the formal way to address the court, the singular respectful form *Lordship* is used twice by a member of the prosecution to address the defendant the Duke of Norfolk (1572).

Judges

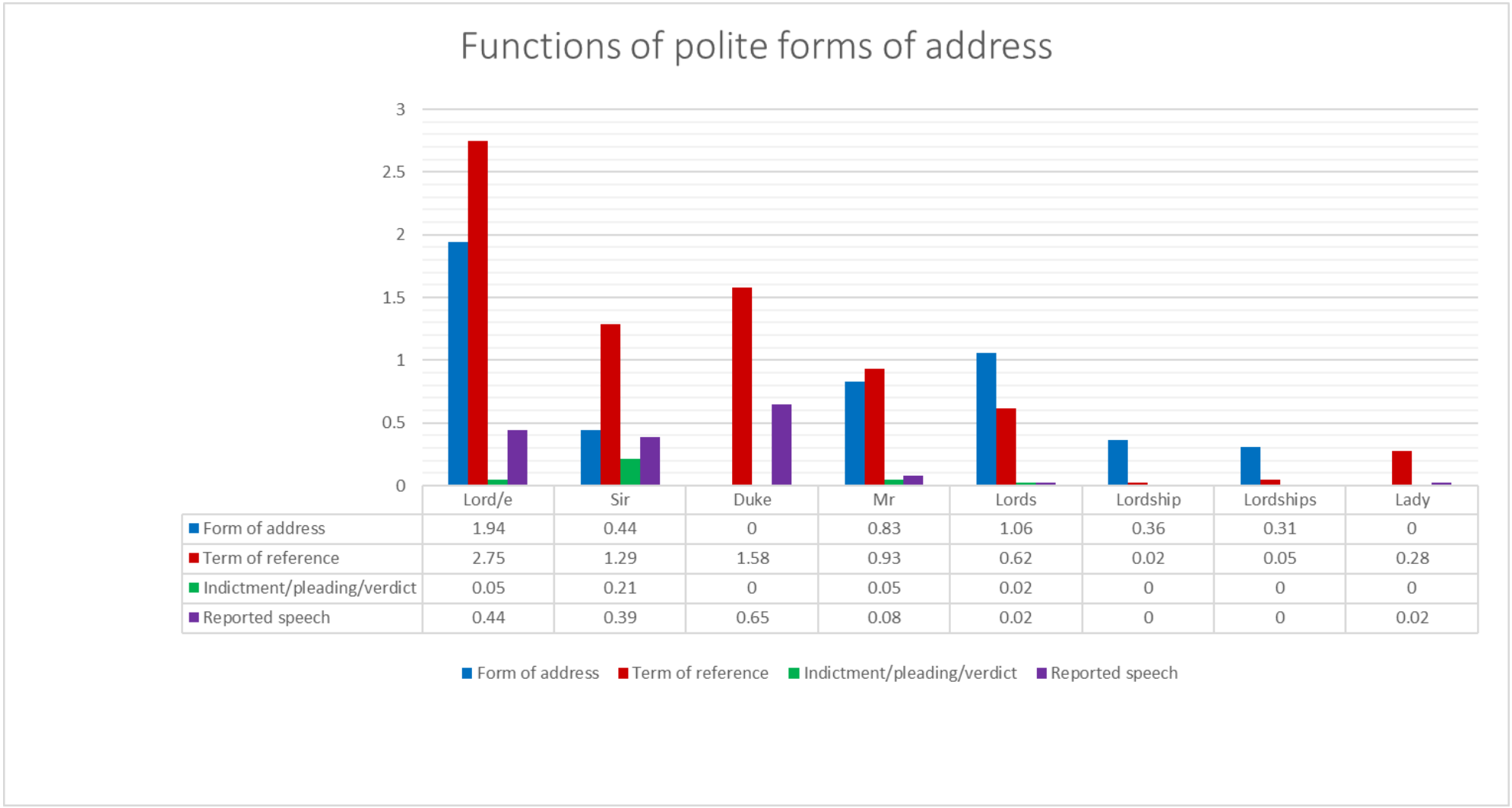
The main task of judges was to chair a trial, to give advice, or when necessary to interrogate defendants and witnesses. This limited involvement of judges in the proceedings is reflected in the low word count of 3,957 words (cf. Table 8). Figure 8 shows that *Lord* is with a normalised frequency of 6.82 the preferred form to address defendants such as the Duke of Norfolk (1572), the Earl of Essex (1601), and the Earl of Somerset (1616), other judges and members of the jury. *Mr.* is the second most frequent form (5.56) to address members of the prosecution or defendants, whereas the less recurrent *Sir* (3.79) is predominantly reserved to address defendants. For example, in the *Trial of Sir Walter Raleigh* (1603), the Lord Chief Justice Sir John Popham addresses the defendant as *Sir* to stop him from taking the turn from the Attorney General Sir Edward Coke to whom he refers to as *Mr. Attorney*: *"Sir Walter Raleigh, Mr. Attorney is but yet in the General; but when the King's Counsel have given the Evidence wholly, you shall answer every Particular."* In this example the judge emphasises his position as chair of the trial by ordering the defendant to be silent until he has the right to

[26] The Countess of Somerset", all the while the Indictment was reading, stood, looking pale, trembled, and shed some few Tears; and at the first naming of Weston in the Indictment, put her Fan before her Face, and there held it half cover'd till the Indictment was read.". In the original MS (SLOANE 1002) the verb "trembled" is missing. In the original MS (SLOANE 1002), Lady Frances used her hand to cover her face and not a fan.

defend himself. *Lords* with a frequency of 3.03 is reserved to address the court, whereas *Lordship(s)* is not used by judges at all. In contrast, both very respectful forms of address are commonly used by other trial participants when addressing the court or the judges.

6.2. Functions of forms of address to achieve politeness/express deference

When looking at the different functions of polite forms of address, it is important to first analyse the data of the corpus as a whole and then examine the use of the polite forms by the three speaker groups. In general, *Lord* is with a normalised frequency of 2.75 most frequent as a term of reference and not as a form of address, *Duke* (1.58) is the second most frequent form, followed by *Sir* (1.29). With regard to address terms, *Lord* is with a normalised frequency of 1.94 most frequent. In contrast, *Sir* has a lower frequency in its function as a form of address (0.44). In the indictment/pleading/verdict *Sir* has the highest normalised frequency (0.21) compared to other forms of address. In reported speech, *Duke* was most frequent (0.65), followed by *Lord* and *Sir*. The two most respectful forms, *Lordship* and its plural version *Lordships*, cannot be found in reported speech or in the indictment/pleading/verdict. *Lordship* is predominantly used as terms of address (0.36), similar to *Lordships* (0.31). From Figure 10 it can be concluded that *Lord* was the dominating respectful form when addressing or referring to someone during trial, whereas *Mr*. is used with similar frequencies as a term of reference (0.93) or form of address (0.83). *Sir* with a normalised frequency of 1.29 and *Duke* with 1.58 are predominantly used as terms of reference. This is also evident for *Lady* as a term of reference (0.28), in particular compared to its low frequency (0.02) in reported speech, and no evidence as a form of address, or in the indictment/pleading/verdict.



	Lord/e	Sir	Duke	Mr	Lords	Lordship	Lordships	Lady
Form of address	1.94	0.44	0	0.83	1.06	0.36	0.31	0
Term of reference	2.75	1.29	1.58	0.93	0.62	0.02	0.05	0.28
Indictment/pleading/verdict	0.05	0.21	0	0.05	0.02	0	0	0
Reported speech	0.44	0.39	0.65	0.08	0.02	0	0	0.02

Figure 10: Functions of polite forms of address in subperiods 1 and 2

Lord(e)

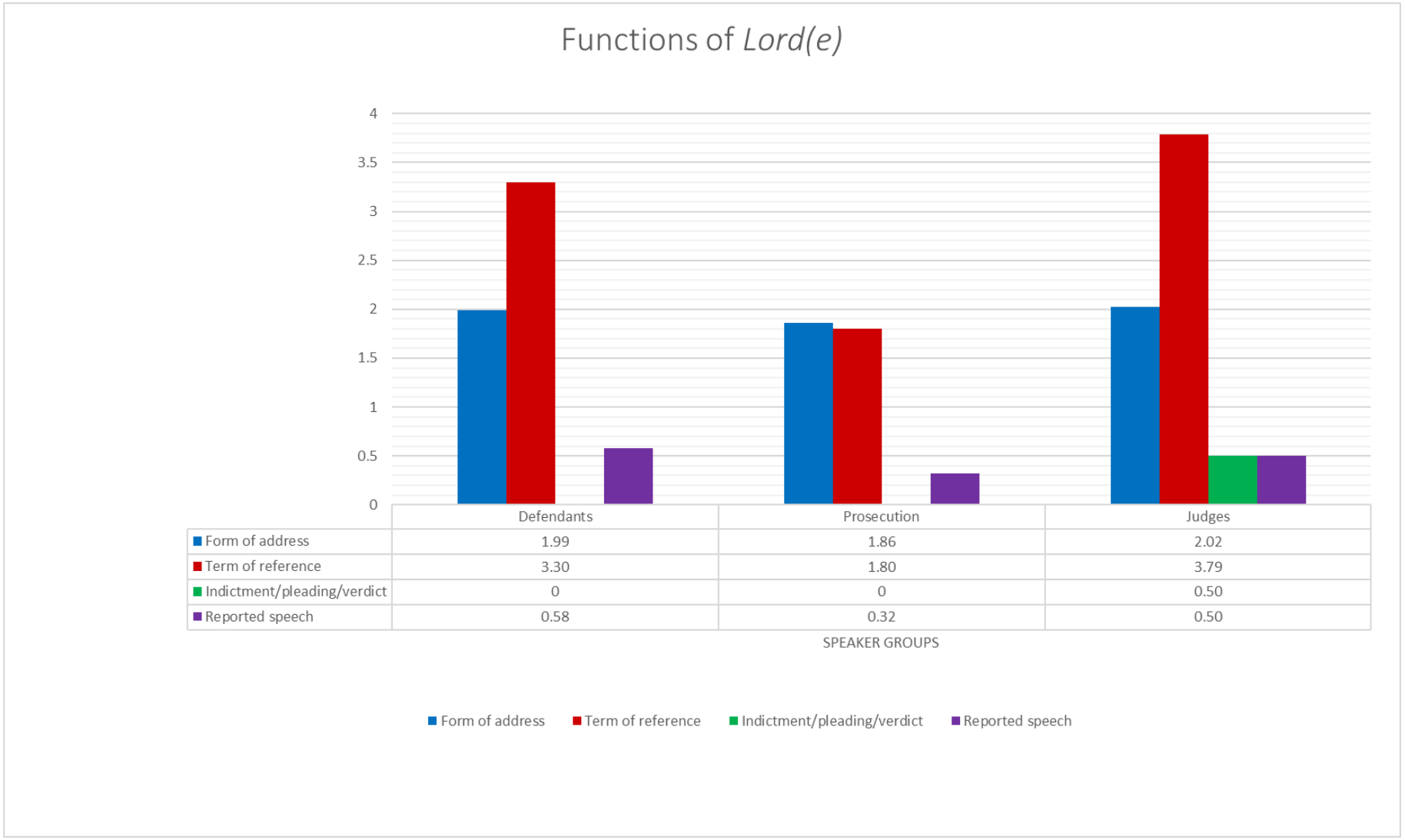


Figure 11: The normalised frequencies (per 1,000 words) of *Lord(e)* distributed according to roles and functions

From Figure 11 it can be concluded that the function of *Lord* was predominately a term of reference used by defendants (3.30) and judges (3.79). For example, the defendant Robert Hickford, secretary to the Duke of Norfolk and from the gentry, refers to his former employer as *my Lord* during the trial: *"I do confess indeed, that the Articles mention'd in the Indictment were sent to my Lord, my late Master, which by his Commandment I decypher'd, for they were brought in Cypher."* The defendant introduces his turn with a confession emphasised by the modal particle *do*. Although *my Lord* is used to achieve politeness, it is not overly polite when it is a *Duke* being addressed. Additionally, he refers to him as his *"late Master"*, which makes it clear that he is publicly trying to separate himself from his former employer and his treasonable actions. This is further emphasised by the use of the expression *commandment*, which indicates that he has not acted willingly. The use of *my Lord* in his defence argument and the reference that his actions were based on an order indicate his attempt to distance himself from *treason* (cf. *Trial of Robert Hickford* 1571).

Members of the prosecution use *Lord* almost equally as a form of address (1.86) and as a term of reference (1.80). In reported speech, defendants (0.58) and members of the prosecution (0.32) use this form less frequently. However, only judges use *Lord* in the indictment and pleading and, of course, in the verdict, which is always pronounced by judges. For example, Lord Thomas Egerton, the Lord High Steward in the *Trial of Robert Earl of Somerset* 1616, addresses Lord Robert Dormer, a member of the jury, as follows: *"Robert Lord Dormer, How say you? Whether is Robert Earl of Somerset guilty of the Felony, as Accessary before the Fact, of the wilful Poisoning and Murder of Sir Thomas Overbury, whereof he hath been indicted and arraigned, or not guilty?"* He uses *Lord*, the socially accepted form of address, as part of the official title when asking the jury for their decision. Similarly, he refers to the defendant as *Robert Earl of Somerset*, that is, his official name and title. This formulaic phrase reflects the formality of court proceedings, but gives no indication of how the power position of the defendant was perceived.

Sir

Overall, *Sir* dominants as a term of reference, less as a form of address or in reported speech. Furthermore, the results of the analysis show that judges use *Sir* similarly to *Lord* in terms of its functions. Defendants prefer *Sir* as a term of reference (1.20) and with a normalised frequency of 0.47, this group has the highest attestation of *Sir* in reported speech compared to the results of judges and members of the prosecution council.

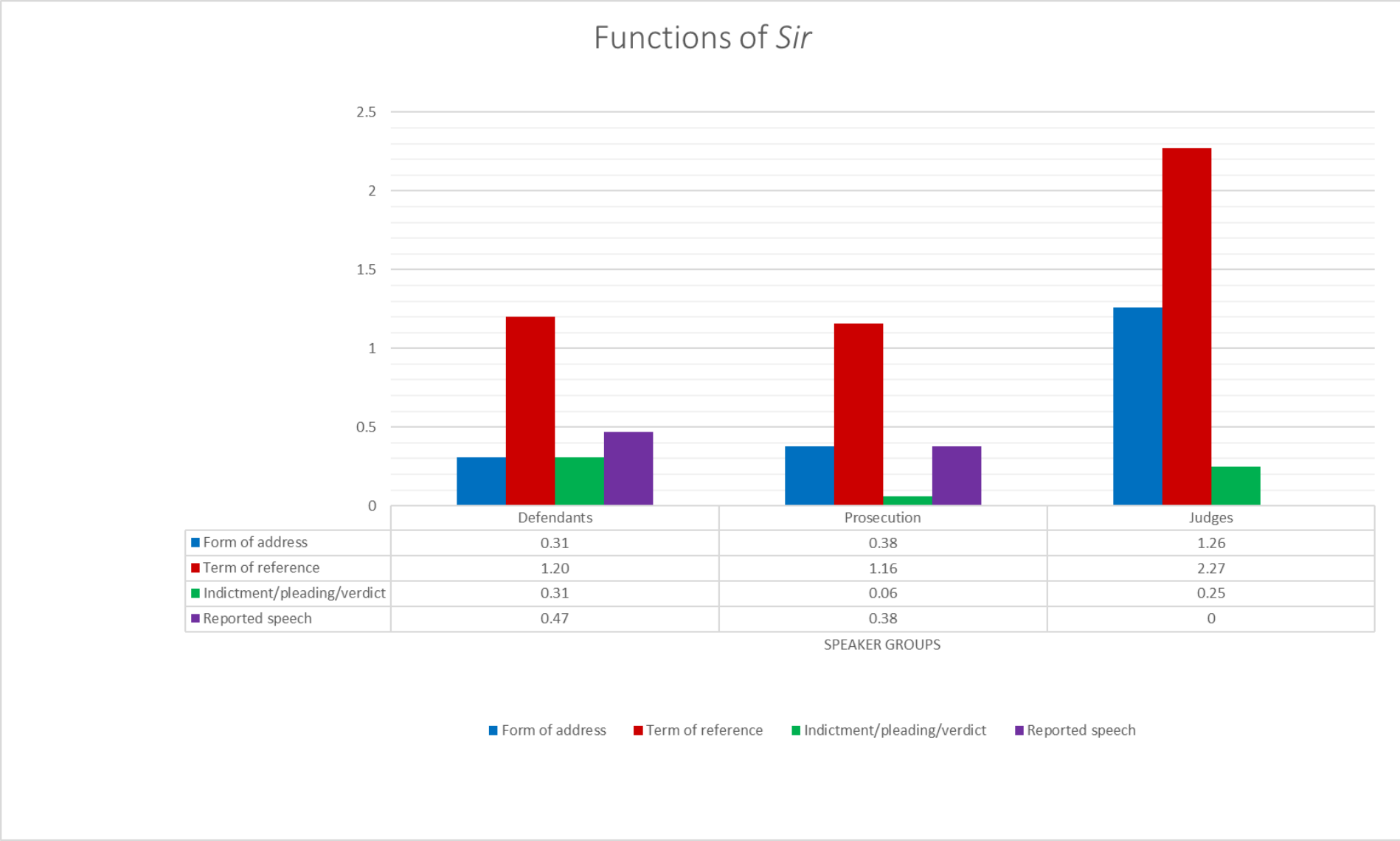


Figure 12: The normalised frequencies (per 1,000 words) of *Sir* distributed according to roles and functions

For example, in the *Trial of Thomas Howard Duke of Norfolk* 1571 the defendant, the Duke of Norfolk, questions the witness Richard Cavendish and describes an earlier meeting between them: *"You told me how my Lord of Leicester was firm, and Sir Nicholas Throckmorton my sure Friend, and that they would both join to deal with the Queen for me;"*. The defendant introduces his examination of the witness by pushing the witness' earlier statement with the cluster *"you told me"*. Norfolk tries to attract the court's attention by emphasising the fact that the witness Cavendish had told him important information, which makes the witness to a key figure regarding the reliability of the testimony. The frequent use of *Lord* (0.58) and *Sir* (0.47) (cf. Figure 11 and Figure 12) as terms of reference in reported speech reflects the legal rule that defendants had to defend themselves in trials without a barrister or defence counsel by the end of the 17th century. Consequently, defendants more often interacted with other trial participants, addressed other trial participants, or responded to the plea (0.31) during the trial.

With regard to the prosecution counsel, *Sir* was used equally as a form of address and in reported speech (0.38), where it is mainly found in its function as a term of reference. This type of language use seems to be a general trend during trials that applies to all speaker groups.

Duke

The hereditary title *Duke* is absent in its function as a form of address or in the indictment/ pleading/verdict in all the three speaker groups. However, Duke is frequently used as term of reference by members of the prosecution (3.60) but rather infrequently by defendants (0.26). The 86 attestations of Duke are uneven distributed. While 82 tokens occur in one trial (*Trial of Thomas Howard Duke of Norfolk* 1572) and refer mainly to the defendant, the Duke of Norfolk, the remaining 4 tokens are distributed between the *Trial of Robert Hickford* (1571) and the *Trial of Sir Walter Raleigh* (1603). Figure 13 shows the general dominance of *Duke* as a term of reference (1.41) and in reported speech (1.41) by members of the prosecution counsel.

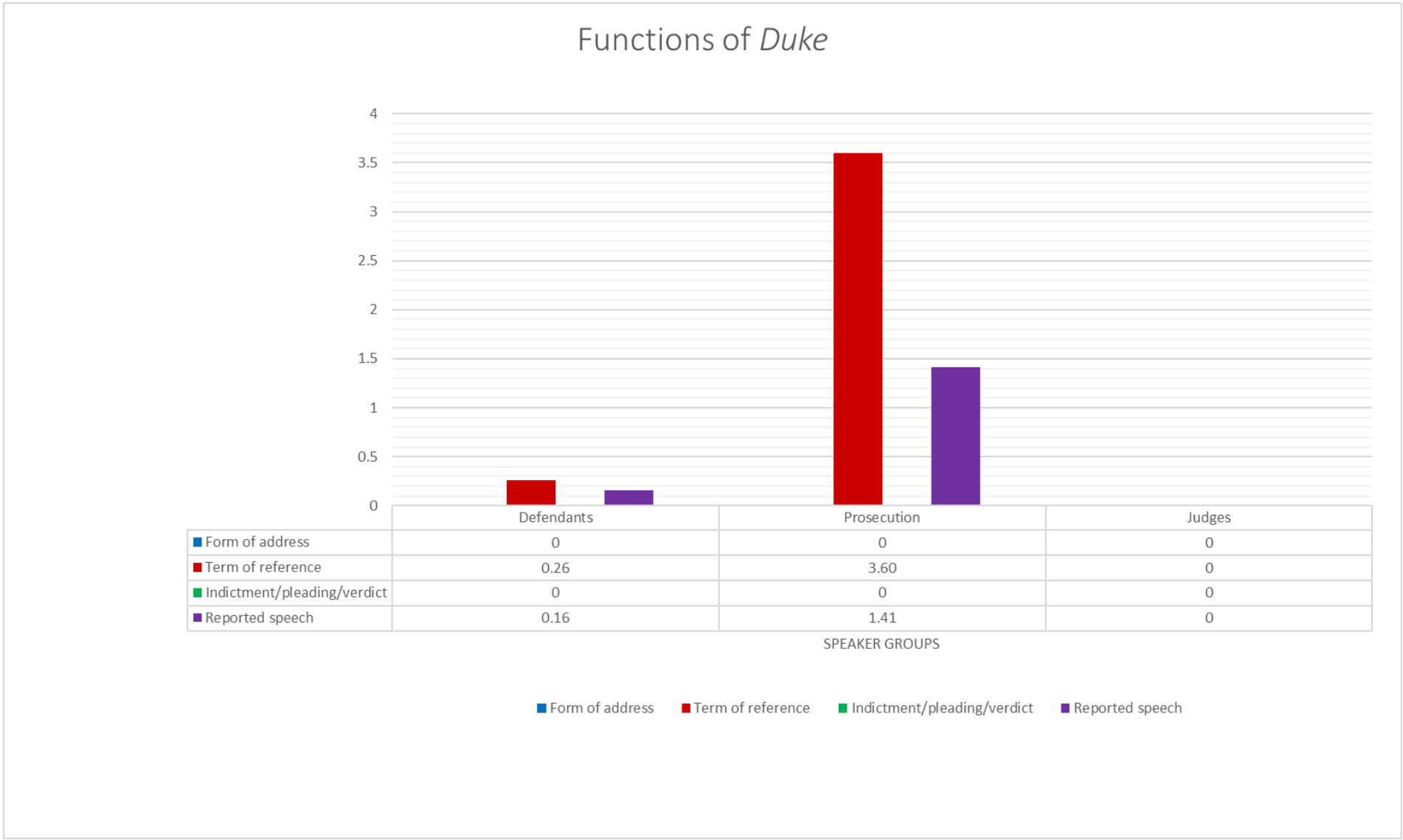


Figure 13: The normalised frequencies (per 1,000 words) of *Duke* distributed according to roles and functions

In the following example (*Trial of Thomas Howard Duke of Norfolk* 1572), the Attorney Nicholas Barham refers twice to the defendant as *Duke* when presenting the case to the court: *"The Queen's Majesty understanding the Duke's Intention to marry with the Scotish Queen, the Duke himself, by way of Prevention, complain'd to her Majesty of the Rumour that was spread against him."* Although Barham refers to the defendant, the Duke of Norfolk, very respectfully, he also portrays him as a deceitful person. He argues that Norfolk's protest to Queen Elizabeth I about the slanderous rumours of a possible marriage between him and Queen Mary Stuart was false and dishonest and only had the purpose of protecting him from any form of punishment. In the corpus, Norfolk was the only defendant with the highest hereditary title, therefore, the results of the analysis regarding the frequency of this respectful form are not surprising. *Duke* is rather infrequent among defendants with a normalised frequency of 0.16 in reported speech and 0.26 as a term of reference. Judges did not use this hereditary title at all.

Mr.

Mr. usually co-occurs with names and occupational titles such as *Attorney*, *Solicitor*, or *Comptroller*. The overall attestation of 73 is almost equally distributed regarding its functions as form of address (32 tokens) and term of reference (36 tokens), whereas 2 occurrences can be found in indictments/pleadings/verdicts and 3 in reported speech. However, when looking at the different speaker groups, diverse conclusions can be drawn from the results (cf. Figure 14). Defendants use *Mr.* with a normalised frequency of 1.0 almost as often to address or refer to someone (1.15), infrequently in reported speech (0.10), but not in the indictment, pleading, or verdict. Some examples from the data indicate that when addressing someone with *Mr.* + occupation, it is important to examine the context of the conversation. In the *Trial of the Earls of Essex and Somerset* (1601), the defendant, the Earl of Essex, addresses the Secretary of State, Lord Robert Cecil, as following: "*Ah Mr. Secretary, I thank God for my Humbling; that you, in the Ruff of your Bravery, came to make your Oration against me here this day."* Several conclusions can be drawn from this utterance: Firstly, the defendant addresses the Secretary of State with his occupational title *Mr. Secretary* instead of *my Lord*. Essex introduces his statement with the intensifier *Ah* as a signal of mocked surprise; secondly, the utterance of the defendant is a response to Lord Cecil's earlier accusation that the defendant was a *traitor*. As a result, Essex mocks Lord Cecil about his courage to make such allegation using the formulaic expressions *"I thank God"* followed by the phrase *"my Humbling"*, which expresses his derided gratitude for Cecil's heroism.

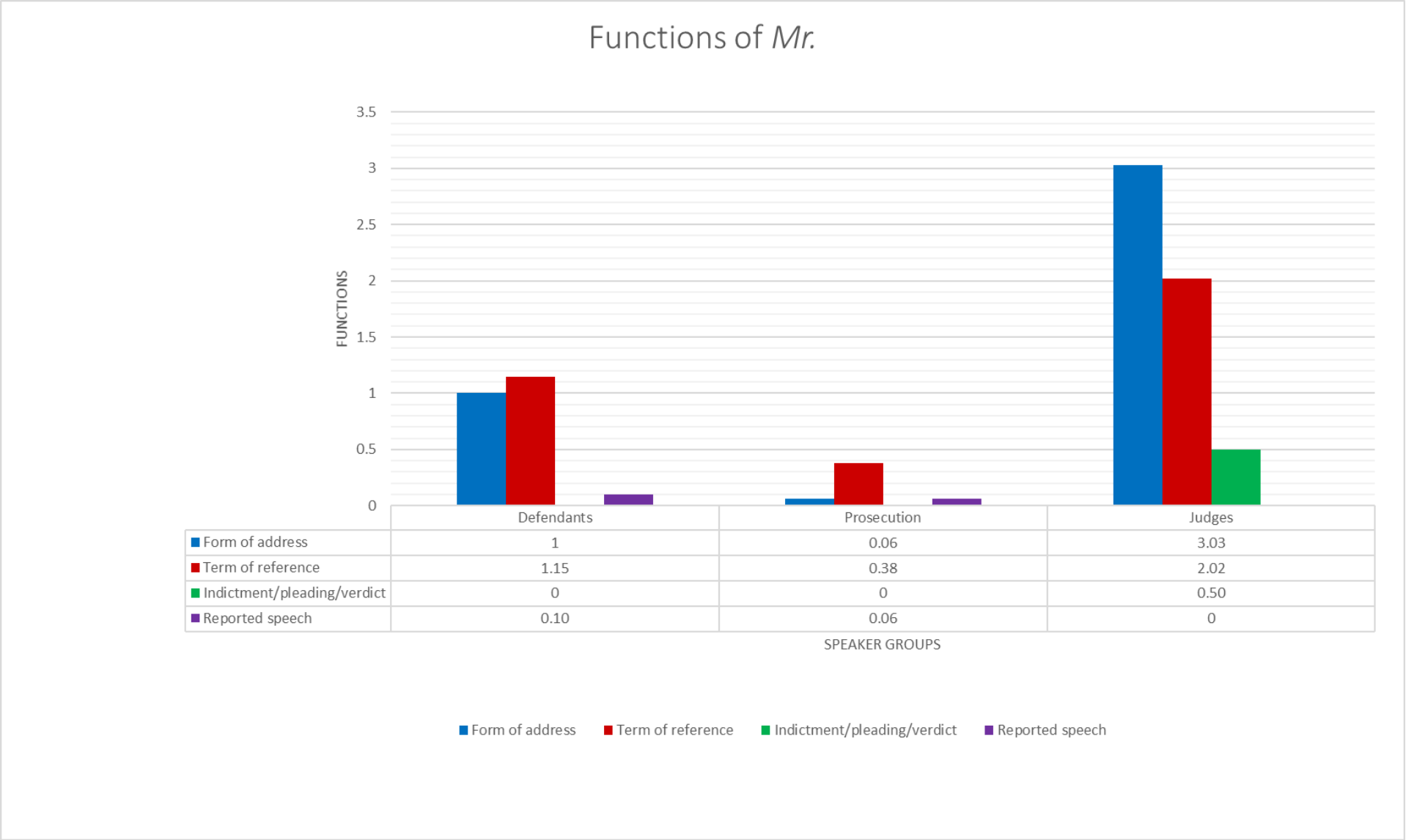


Figure 14: The normalised frequencies (per 1,000 words) of *Mr*. distributed according to roles and functions

With regard to the example presented above, it is important to note that Lord Cecil, the Secretary of State, was only a spectator during the trial and not an official witness. He simply appeared before the court and asked for permission to speak. This behaviour is more than unusual in trials and it is even more surprising that the judges permitted such request. The defendant uses this unusual appearance against Lord Cecil to contest the accusation of being a *traitor*. This example shows how important the context of utterances is and that forms of address that are used to achieve politeness are also used to express mock politeness with the aim to threaten the positive face of the addressee.

This becomes evident when judges mock other trial participants, especially defendants. In the *Trial of Dr. Bastwicke, Mr. Burton, and Mr. Prynne* (1638), Sir Henry Montague, the Lord Keeper, addresses the defendant John Bastwicke, a doctor of medicine, the following: "*But Mr. Dr. you should have beene briefe; you tendred in too large an Answer, which (as J heard) is as Libellous as your Bookes."* It is interesting that the defendant Bastwicke is addressed as *Mr. Dr.*, whereas the other two defendants Mr. Burton and Mr. Prynne are always addressed as *Mr. + name*. The judge rather unusually combines the professional abbreviation *Dr.* with *Mr.* instead of addressing him as Dr. Bastwicke or Mr. Bastwicke. However, instead of informing the defendant that his statement was too long, he reprimands and mocks him at the same time. He also advocates that making such as a long statement to the court is as offensive as his books, namely his long speech is considered by the judge to be a crime similar to the defendants' defamatory books. The judge in this case is clearly exercising impoliteness rather than verbal aggression (see Chapter 4.6.) because he is not acting within the scope of his role as chair of the trial with the aim of giving advice. His real aim seems to be to harass the defendant and at the same time discredit his opinion and work. It is crucial to keep in mind that the trials held in the Star Chamber are seen as unjust and biased in later times. Overall, judges use *Mr.* mainly to address someone during the trial (3.03), less often to refer to someone, and infrequently in the indictment, pleading, or verdict. There is no evidence of *Mr.* in reported speech. Members of the prosecution infrequently address others as *Mr.* or use this form in reported speech (both have a normalised frequency of 0.06). There are no attestations for *Mr.* in the indictment/pleading/verdict by the prosecution, whereas the nominal form occurs most frequently as a term of reference (0.38).

Overall, the data show an even distribution of *Mr.* as a form of address and term of reference among defendants, whereas *Mr.* as a term of reference has the highest frequency in the group

of judges. Additionally, *Mr.* is attested in all four functions for judges, although the contexts of some utterances indicate that respectful forms of address are also used in combination with mockery.

Lords

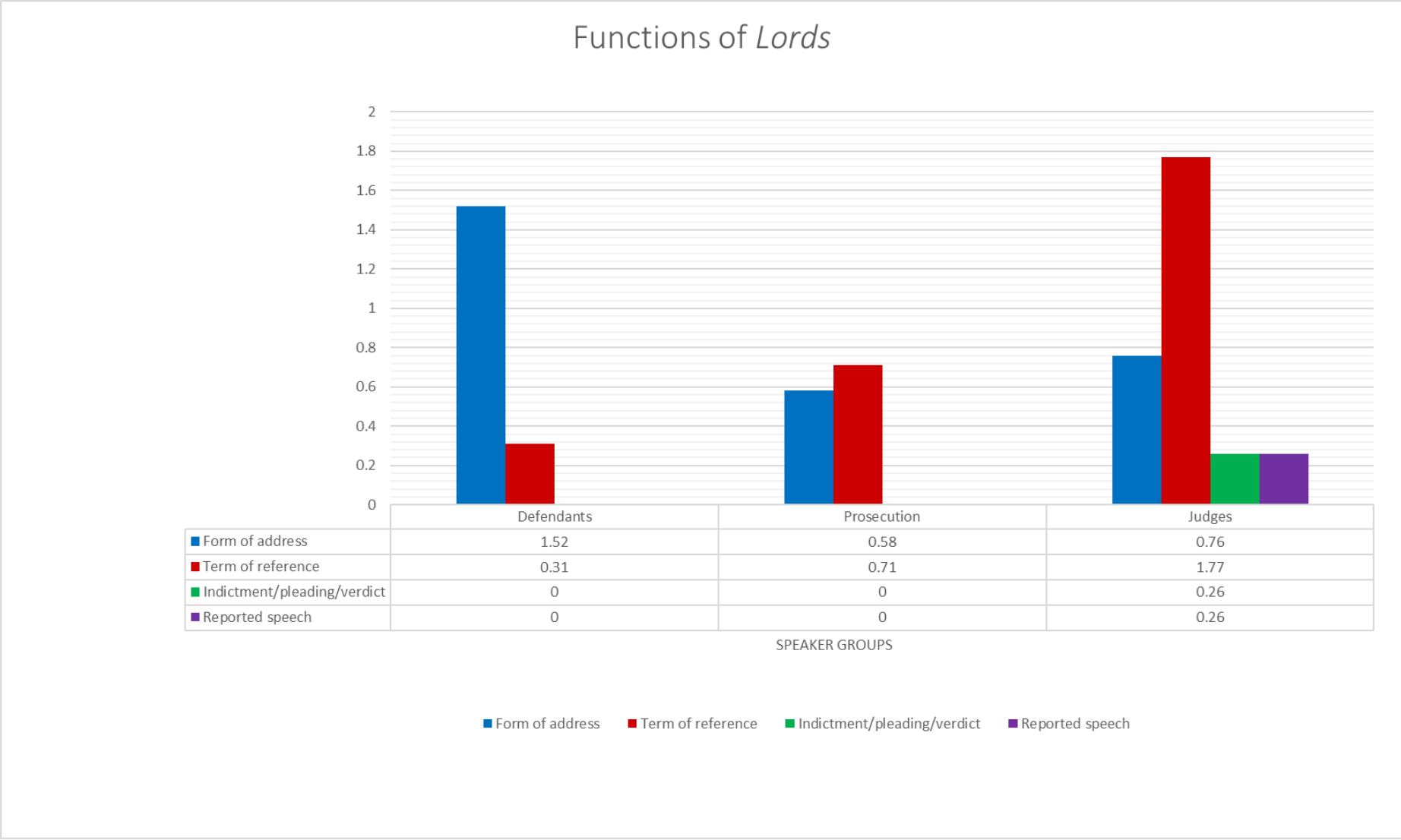


Figure 15: The normalised frequencies (per 1,000 words) of *Lords* distributed according to roles and functions

With a normalised frequency of 1.52 *Lords* is predominantly used by defendants as a form of address, followed by judges (0.76), and members of the prosecution (0.58). *Lords* has the highest frequency (1.77) as a term of reference in the group of judges, and has a few attestations in reported speech and indictment/pleading/verdict (0.26). In contrast, defendants and members of the prosecution use *Lords* only as a form of address or term of reference. Defendants from the nobility or gentry primarily address the court or their peers as *Lords* to emphasise their social relations. For example, the Duke of Norfolk (cf. *Trial of Thomas Howard Duke of Norfolk* 1572) addresses his peers to stress his confidence in the judgment of his peers: "*I trust my Lords the Peers will have Consideration of me, who they be that accuse me, the Bishop of Rosse and Strangers; and the rest over-reach'd in Treason themselves."* Addressing the jurors with the socially accepted form of address as *"my Lords the Peers"*, an act of deference, he reminds them that the witnesses against him are either strangers or *traitors*, and therefore not to be trusted. He stresses that these accusers are outsiders, whereas he and his social peers have similar social backgrounds, possibly even being related.

In contrast, defendants from lower social classes use *Lords* to express their respect for the court: *"My good Lords, your Honours (it should seeme) doe determine to Censure us, and take our cause pro confesso, although we have laboured to give your Honours satisfaction in all things:"* In this situation, the defendant Mr. Henry Burton (cf. *Trial of Dr. Bastwicke, Mr. Burton, and Mr. Prynne* (1638), who comes from the middle class, addresses the court as *"my good Lords"* combining the adjective *good* with a socially accepted form of address to emphasise his respect for the judge. Nevertheless, he continues his testimony by accusing the judges of having already decided on the defendants' guilt, despite their willingness to provide answers and help during the trial. Burton addresses the judges with the socially accepted form *your Honours* in combination with the modal word *doe* to emphasise the judges' determination to convict. From this example two conclusions can be drawn: firstly, defendants from a middle-class background did not stress relationships with the court, but presented themselves as humble and helpful during the trial; secondly, although showing respect/deference for the court and its proceedings, they did not always agree with the prevailing situation due to biased judges or proceedings.

Members of the prosecution use *Lords* frequently as a term of reference (0.71), and almost as frequently to address someone during the trial (0.58). In the following example, drawn from the *Trial of the Earls of Essex and Southampton* (1601), the Attorney General, Sir Edward

Coke, addresses Lord Thomas Sackville, Lord High Steward, and the jury as follows: "*I beseech your Grace, and you, my Lords, that be the Peers, let the due Consideration of these several Examinations and Depositions enter into your Hearts"*. The prosecutor addresses the Lord High Stewart with the honorific *"your Grace"* and the jurors as *"my Lords"*. He emphasises his request to consider the earlier witness depositions with the cluster *"I beseech you"*, which is similar to *"I pray you"* and signifies, according to Brown and Levinson (1987), negative politeness (an act of deference) towards his social peers and the Lord High Stewart. The prosecutor fulfils the social expectations using default polite forms of address, which reflect the formality of the EModE courtroom. It also shows the asymmetrical power positions. While Coke presents the two defendants as guilty to the court, he stands hierarchically between the groups of defendants and witnesses, on the one side, and of peers and judges on the other. While his position is above the first group, it is lower in relation to the second.

Lordship/Lordships

Lordship, as a respectful form of address, is used exclusively by defendants to address other trial participants, the court, or their peers (0.63). Ten of these attestations occur in the *Trial of the Earls of Essex and Southampton* (1601), the two others in the *Trial of Robert Hickford* 1571 when the defendant addresses Sir Robert Catlin, the Lord Chief Justice: *"I humbly thank your Lordship again for your good Admonition; and as your Lordship hath rehears'd the History of the French Embassador to the Duke of Milan, so I would and pray God, that he that hath brought my Lord to this may have the like Success."* In the first sentence, Hickford very respectfully thanks the Lord Chief Justice by addressing him as *"I humbly thank your Lordship"* referring to an earlier statement by Caitlin reminding him that his allegiance should have been with his Queen rather than his employer, the Duke of Norfolk. While Hickford addresses Catlin as *your Lordship* in the second sentence, he calls the Duke of Norfolk *your Lord*, which is an expression to achieve politeness but it is not an overly polite form of address (see Chapter 4.5.). It appears that the formality of the courtroom and his weaker position as defendant may have been the reason for this distinction.

Neither *Lordship* nor the plural form *Lordships* are used by judges, and no attestations can be found in the indictment/plea/verdict or in reported speech for any trial participant. Defendants address others as *your Lordship* (0.63) slightly more often compared to its plural form (0.47). The Duke of Norfolk (cf. *Trial of Thomas Howard Duke of Norfolk* 1572) once addresses the

jurors, whereas Mr. Burton addresses twice the Lord Keeper and Mr. Prynne three times the court as *Lordships* (*Trial of Dr. Bastwicke, Mr. Burton, and Mr. Prynne* 1638). As a term of reference, *your Lordships* is rather infrequently used by defendants (0.05).

In addition to addressing others in a respectful way, *your Lordships* is also attested for a combination of a request and an accusation. In the *Trial of the Earls of Essex and Henry Earl of Southampton* (1601), the Earl of Southampton addresses the Lord High Stewart and a member of the jury as *your Lordships*, but accuses the Attorney General, Sir Edward Coke, of defamation: *"Will your Lordships give us our turns to speak, for he playeth the Orator, and abuseth your Lordships Ears and us with Slanders; but they are but fashions of Orators in corrupt States;"* He compares the manner in which Coke presents the case to the court to an approach typical in corrupt states. Essex continues by stating: "*Considering some Privileges which we might challenge, equal Answers and equal Hearing were indifferent; for unless it will please your Lordships that we might answer to every particular, we shall soon confound our own Memories, and give Liberty and Advantage to our Enemies, whereupon to lay hold, for lack of precise Answer to each particular Objection."* Although both defendants, the Earls of Essex and Southampton, offer to answer all questions, they make it clear that this action would only support foreign enemies. By using the pronoun *our*, the defendant Essex emphasises the fact of having a common enemy and concludes that the one who insists that the defendants answer these questions is also an enemy. Coke as the instigator of this interrogation is thus an enemy. Essex, in his speech, openly threatens the Attorney General's positive face in the courtroom by implying that Coke is working for England's adversaries. Essex negotiates his institutional role as defendant, presenting himself in the courtroom as a strong and powerful person and transforming his role into that of a prosecutor. As a former courtier of Elizabeth I, and a member of the inner circle at the Queen's court, he has a powerful position outside the courtroom (Bowen, 1957: 120ff). While *Lordships* is a respectful form of address, the content of the defendant's statement appears offensive when he accuses the prosecution of lying to the court and defaming both defendants. In this situation, Essex negotiates his role as defendant in the hierarchical structure of the historical courtroom as part of a dynamic communication process (Grainger, 2018).

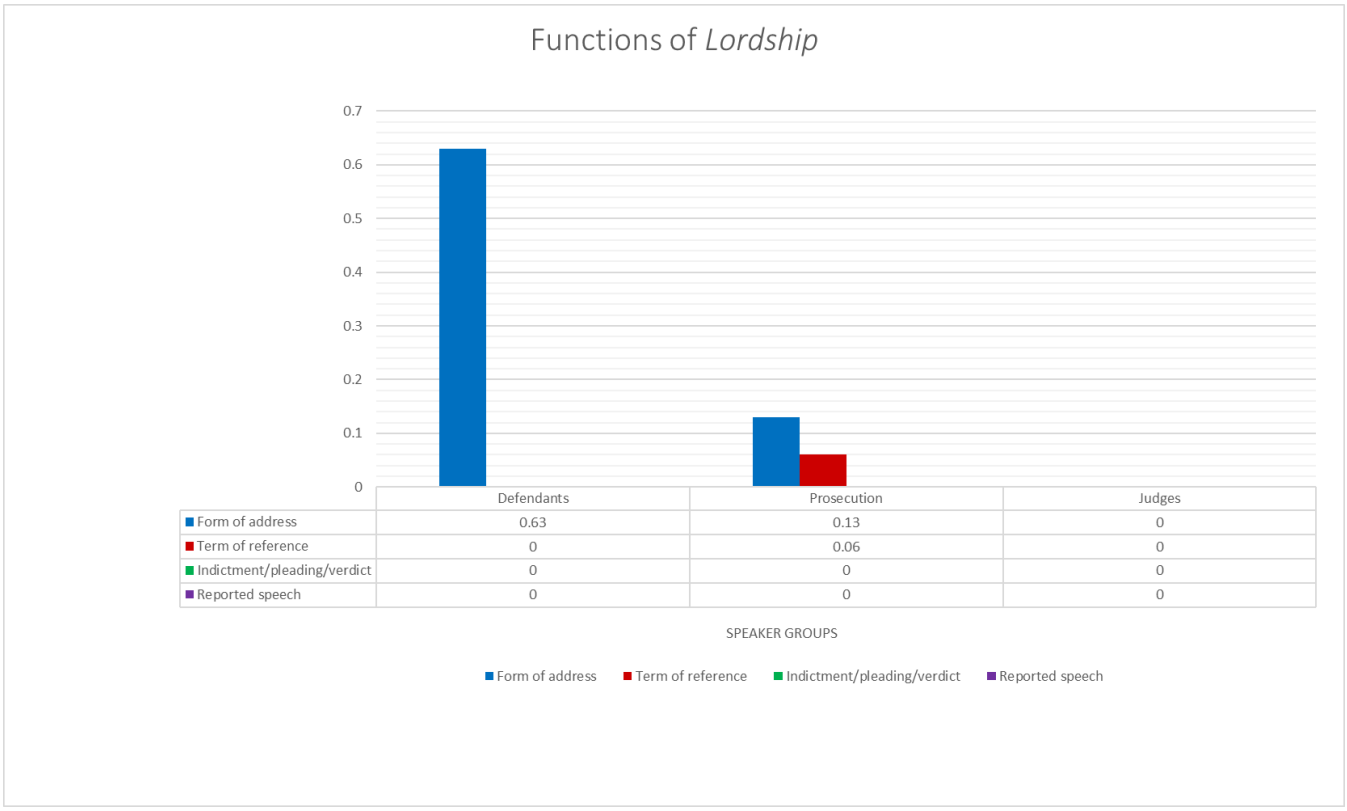


Figure 16: The normalised frequencies (per 1,000 words) of *Lordship* distributed according to roles and functions

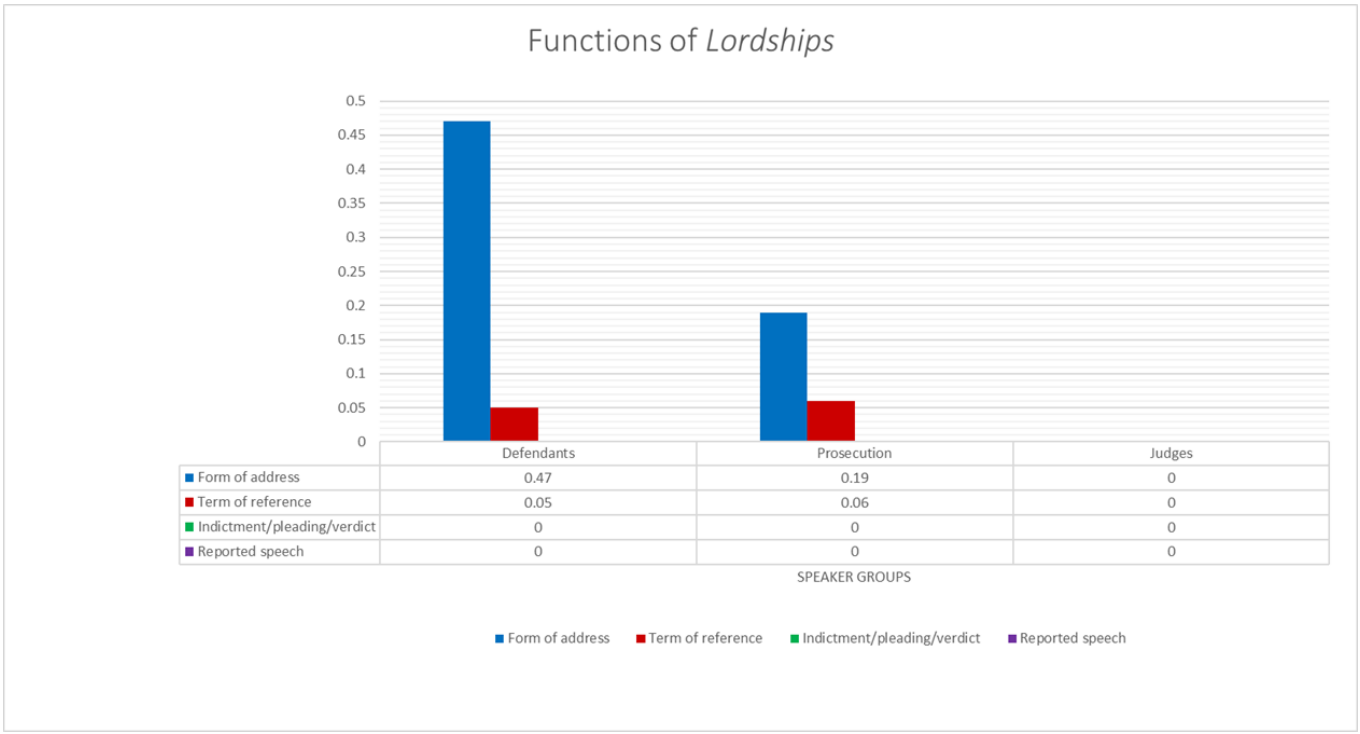


Figure 17: The normalised frequencies (per 1,000 words) of *Lordships* distributed according to roles and functions

Lady

Lady, as a form of address to achieve politeness, can only be found in the data in its function as a term of reference and in reported speech. For example, in the *Trial of Thomas Howard Duke of Norfolk* 1572, the prosecutor Nicholas Barham recites a statement by Mary Stuart as follows: *"[…] the Scotish Queen declar'd to the Bishop of Rosse, That she doubted not of the Favour of the Duke of Norfolk; for she told him that my Lady Scroope had by Motions and Means assur'd her of his good Will, […]"*. Mary Stuart refers to a witness as *my Lady Scroope* who assures her of the defendant's (Norfolk's) willingness to help her. The prosecutor first refers to *Mary Stuart* in his statement but then switches to a different style of speech, a reported speech passage. In today's trial proceedings, this form of evidence would be considered hearsay and probably inadmissible. In this reported speech passage, the witness is referred to by the prosecution as *my Lady* and *Mary Stuart*. Overall, members of the prosecution use *Lady* infrequently in reported speech (1 token, 0.06) and more frequently as a term of reference (0.38).

As Figure 18 shows, *Lady* is infrequent in the data, probably because of only one female defendant. Unsurprisingly, this form is not attested as a form or address or in the indictment/pleading/verdict. Even among defendants (0.16) and judges (0.20) *Lady* is infrequently used as a term of reference, whereas judges use *Lady* exclusively in the function of reference, with a normalised frequency of 0.50, the highest occurrence among all speakers. The respectful form *Ladyship* is not attested at all in the data.

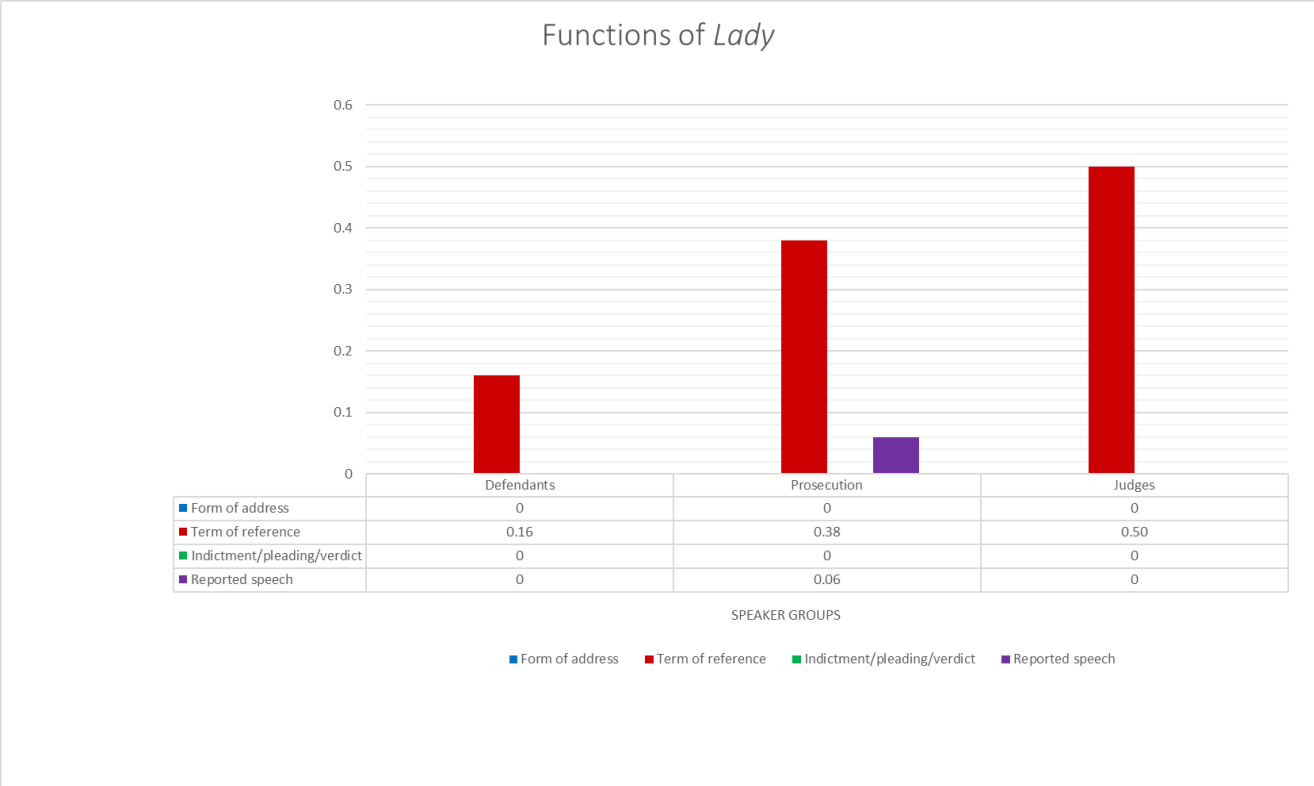


Figure 18: The normalised frequencies (per 1,000 words) of *Lady* distributed according to roles and functions

6.3. Summary

Overall, it can be said that defendants, members of the prosecution, and judges use *Lord/e*, *Sir*, *Duke*, *Mr.*, *Lords*, *Lady* and the two respectful forms *Lordship* and *Lordships* differently in terms of frequency and functions. In terms of function, defendants use *Lord* primarily as a term of reference, whereas the plural form *Lords* is used predominantly to address others, in particular the jury or their social peers. *Lady* is used as term of reference and even then, only infrequently. Furthermore, defendants from lower social classes use *Lords* to express respect towards the court, whereas defendants from upper social classes use phrases such as *"my Lords the Peers"* to show a social connection and closeness to each other. In contrast, to show discontent, they address other noble participants with professional titles such as *Mr. Secretary* instead of using *my Lord*, for example. Such cases show that different social classes were still important in the EModE courtroom, even for the defendants as a less powerful group of trial participants.

Members of the prosecution who have the tasks of unfolding the case and presenting evidence before judges and the jurors use *Duke* most frequently and *Lordship* least frequently. *Duke* is found in one trial (*Trial of Thomas Howard Duke of Norfolk* 1572) in particular and in that case as a term of reference. Nevertheless, *Duke* can also be found in combination with an

offensive statement by the prosecution. For example, the prosecution refers respectfully to the defendant as *Duke* and in the same turn accuses him of being a deceiving person and a *traitor*.

Judges whose task it is to chair the trial and give advice to all trial participants, prefer *Lord(e)* and *Mr.* to address others. In contrast, the hereditary title *Duke* and the two respectful forms *Lordship* and *Lordships* are not attested among judges. The reason for this is that judges are usually addressed as *Lordship(s)* by other trial participants, the court, and members of the jury.

In general, the three different speaker groups use the various forms of address differently. *Lord(e)*, *Sir*, *Duke*, *Mr*, and *Lady* are predominantly used as a term of reference, *Lords*, *Lordship*, and *Lordships* are mainly attested as forms of address, and *Duke*, *Sir*, and *Lord(e)* are also frequently found in reported speech. In the indictment, pleading, and verdict, all these forms are rather infrequent. On the whole, it can be seen that the different groups of trial participants use the respectful forms of address according to their power positions in the courtroom. Nevertheless, as the examples above have demonstrated, it is crucial to examine the individual context of utterances and trials.

7. The extended *SPC*: epithets and forms of address to achieve impoliteness

In contrast to forms of address that are used to achieve politeness, impoliteness or rudeness can be expressed in an utterance literally by using epithets, but also figuratively by implying dishonesty, treacherous actions, disloyalty, etc. While plain offensive behaviour can easily be recognised, indirect impoliteness strategies need to be examined within the contexts of the historical courtroom and the historical and political circumstances of the trials (Barbe, 1995; Watts, Ide, & Ehlich, 1992; Taylor, 2017; Jucker 2012; 2016; see Chapter 4). The following data analysis of the first two subperiods of the extended *SPC* emphasises the general trend of an infrequent use of epithets, whereas contextual impoliteness expressed by concepts such as irony or mock politeness occurred more frequently in the EModE courtroom. Table 11 presents forms of address with negative collocation according to their frequency.

Table 11: Normalised frequencies (per 1,000 words) of epithets in subperiods 1 and 2 (1560-1639)

Form of insults	Normalised frequency per 1,000 words
Traitor	0.59
Traitors	0.15
Fool	0.10
Wretch	0.10
Viper	0.08
Plotter	0.05
Villain/Villian	0.05
Spider	0.02
Spiders	0.02

Table 11 shows that the most frequent insult of subperiods 1 and 2 is *traitor* with a normalized frequency of 0.59, compared to the plural form *traitors* (0.15), *fool* and *wretch* (each 0.10), *viper* (0.08), *plotter* and *villain* (each 0.05), *spider*, and the plural form *spiders* (each 0.02).

For the purpose of categorisation, these nine epithets can be divided into the following categories of insults:

- those associated with high treason trials (*traitor*, *traitors*, *plotter*)
- which compare a person to a reptile or insect (*viper*, *spider*, *spiders*)
- which negatively characterise a person without connection to a crime (*wretch*, *villain*)

- which are considered more insulting today than in the EModE period (*fool*). The exception is when the addressee belongs to a higher social class.

It is important to note that *viper* can be used both as a reference to the animal world and as a term for a *traitor*. *Viper* refers to a person who has betrayed people who originally supported him/her, in relation to high treason trials it refers to a subject of the crown who has betrayed the loyalty of the sovereign. The most frequent forms of address that are used to cause offence and their different use by defendants, members of the prosecution, and judges are presented in the following section.

7.1. Forms of address to insult/offend

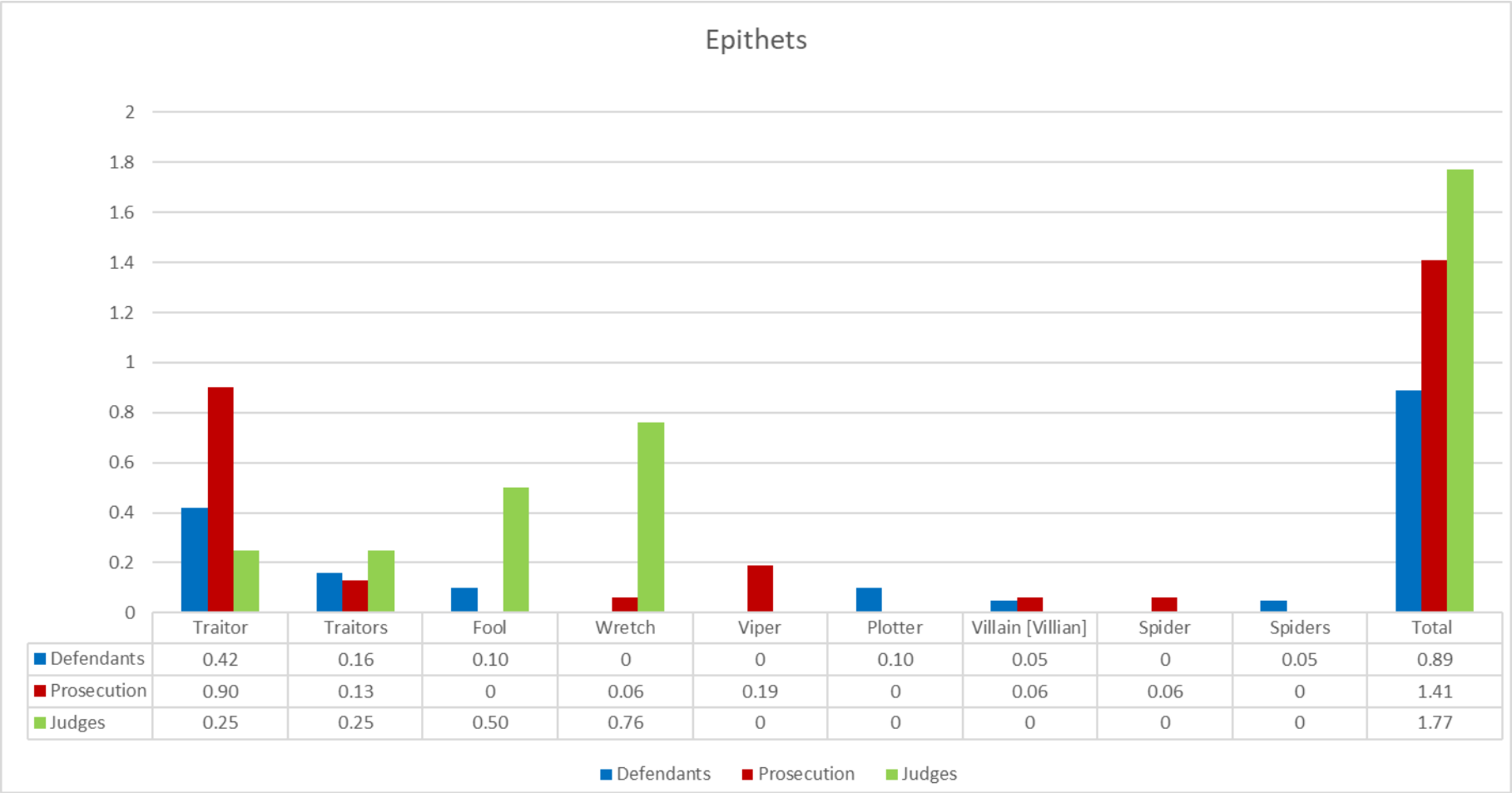
Although epithets are attested rather infrequently in the data, insults such as *traitor* and the plural form *traitors* occur more frequently due to the high number of high treason trials. Table 12 presents the normalised frequencies of the analysed forms of address.

Table 12: Normalised frequencies (per 1,000 words) distributed according to the three speaker roles.

Impolite forms of address	**Normalised frequency per 1,000 words**		
	Defendants	**Prosecution**	**Judges**
Traitor	0.42	0.90	0.25
Traitors	0.16	0.13	0.25
Fool	0.10	0	0.50
Wretch	0	0.06	0.76
Viper	0	0.19	0
Plotter	0.10	0	0
Villain [Villian]	0.05	0.06	0
Spider	0	0.06	0
Spiders	0.05	0	0
Total	**0.89**	**1.41**	**1.77**

From Table 12 it can be concluded that epithets are most frequently used by judges (1.77), whereas members of the prosecution, with a normalised frequency of 1.41, use offensive terns less frequently than judges but more frequently than defendants (0.89). Although the main task of judges is to chair trials, it appears that on the few occasions when judges address or refer to other trial participants, they insult them more often compared to other speaker groups. It is interesting to note that *wretch*, an insult not associated with a crime, has the highest normalised frequency among judges who also prefer *fool* (0.50). While *wretch* is also attested

for members of the prosecution, *fool* is not. Defendants use *traitor*, but neither *wretch, viper*, nor spider. The plural form *traitors*, as the second most common expression, is used with similar frequency by defendants (0.16) and members of the prosecution According to the *OED*, a *traitor* is a person "who betrays any person that trusts him, or any duty entrusted to him; a betrayer" (*OED*: *traitor*, n.).



	Traitor	Traitors	Fool	Wretch	Viper	Plotter	Villain [Villian]	Spider	Spiders	Total
Defendants	0.42	0.16	0.10	0	0	0.10	0.05	0	0.05	0.89
Prosecution	0.90	0.13	0	0.06	0.19	0	0.06	0.06	0	1.41
Judges	0.25	0.25	0.50	0.76	0	0	0	0	0	1.77

Figure 19: Frequencies of epithets distributed according to the three speaker roles.

Judge

The following example demonstrates the use of the insult *wretch* by judges during trials. In the *Trial of Anthony Babington et. al.* 1586, Judge Sir Christopher Hatton addresses the defendant Henry Donn as follows: *"O Wretch, Wretch! thy Conscience and own Confession shew that thou art Guilty. Say what you will."* In previous turns, Hatton has stated that the defendant and his co-defendants agreed to kill the Queen (Elizabeth I). In this exclamation, Hatton combines the intensifier *O* with the epithet *wretch* to emphasise his point. Due to the seriousness of the crime (high treason), he wants to publicly show his full indignation at the defendant. He chooses the expression *wretch*, which is "a vile, sorry, or despicable person" (*OED*: *wretch*, n), not only to insult the defendant but also to demonstrate his reprehensible character. Hatton continues his statement by indicating that the defendant's guilt is already proven by his own confession. To stress this fact, Hatton uses here the pronoun *thou*. While the *thou* can be used in a formulaic way ("*thou art Guilty*"), the combination of the noun *conscience* with *thy* was obviously meant as an insult to emphasise the bad moral of the defendant. In the next sentence, he switches back to the default pronoun *you* when addressing Donne. The phrase *"Say what you will"* can be paraphrased as *"it does not matter what you say"*. Hatton makes it clear that he does not believe the defendant at all.

Fool, someone who is "deficient in judgement or sense, one who acts or behaves stupidly, a silly person, a simpleton" (*OED*: *fool*, n.), is with a normalised frequency of 0.10 infrequent among defendants (0.10). In the EModE period, according to the *OED*, *fool* was less offensive compared to the negative and insulting connotation of modern English. Nevertheless, the expression was still considered an epithet if the addressee belonged to the social upper class. In the *Trial of Robert Hickford* (1571), the defendant mentions a previous conversation with his employer, the Duke of Norfolk, in which he informed the Duke of Norfolk that he did not want to be involved in his traitorous activities concerning Mary Stuart. Norfolk replied to him as follows: *"He answer'd me, thou art a Fool, thou understandest not."* However, Hickford did not leave his employment. The defendant recites here a previous conversation with his former employer during which Norfolk addressed him with the term *fool*, which was not perceived as an insult in the EModE period (see *OED*). In this reported speech passage, the epithet *fool* is used to emphasise Norfolk's negative opinion of his servant's lack of understanding of the importance of his actions. Moreover, the Duke addresses Hickford with the pronoun *thou* during the conversation. It is possible that the Duke of Norfolk meant to insult the defendant when he addresses him as *thou*, or, more likely, that his choice of words

reflects the power relations between a nobleman as employer and an employee from the gentry. The Lord Chief Justice's reply is as follows: *"He told you Truth, that you were a Fool, for you play'd the Fool indeed."* Sir Robert Catlin stresses the defendant's foolishness by addressing him twice as a *fool*. The judge's repetition of the epithet is used to emphasise Hickford's own statement and not to insult him. This is made clear when Catlin addresses him as *you* instead of *thou*. The Lord Chief Justice argues that the defendant's actions were imprudent and that he *"play'd the Fool"* in allowing his employer to use him for his treacherous actions. The phrases *"you played the fool"* and *"you were a fool"* are less insulting for the defendant because offensive adjectives such as *horrible* or *abominable* are missing.

Members of the prosecution

Traitor often co-occurs with superlatives such as *horriblest*, *absolutest*, *confidentest*, *most vile*, or adjectives such as *execrable*, *false*, or *notorious* which are used by defendants and members of the prosecution. For example, *notorious* is an expression that discredits or disgraces a person. In combination with *traitor*, it is used to insult defendants and negatively emphasise their personality (cf. *OED*: *notorious*, adj.). In the *Trial of Sir Walter Raleigh* 1603, the Attorney General, Sir Edward Coke, addresses the defendant as follows: *"I will prove you the notoriousest Traitor that ever came to the Bar."* In his opening utterance, Coke threatens the defendant with the phrase *"I will prove you"*, in the sense of *"I will convict you"*, and combines the phrase with the superlative of the adjective *notorious* + *traitor*. Coke makes a promise to prove Raleigh's guilt. In this situation, he threatens the positive face of the defendant by insulting him and portrays the defendant as a disreputable character. Coke uses his institutional power in the courtroom to make the defendant appear even less powerful than his original preassigned role as offender already makes him. After Coke's verbal bald-on-record promises to present the guilt of the perpetrator, he does not adhere to the behavioural conventions of the historical courtroom, even in show trials. Rather he invokes his institutional role and reaffirms his official power through face-threatening acts and the absence of politeness.

Coke's behaviour towards Raleigh is explained by his ambition to prove himself to the new King James I, who personally detested the defendant. The offence of *treason* itself was not that important to Coke, but he often proudly stated that he treated all defendants equally (Nicholls & Williams, 2011). Whether Coke was exercising verbal aggression or acting

impolite here as part of his role as Attorney General is debatable (see Chapter 4.6.; Archer 2011).

Defendants

Similar to the judges, defendants also comment on other trial participants using offensive adjectives. For example, the defendant Edward Abington refers to the crime of another defendant (Anthony Babington) as follows (cf. *Trial of Edward Abington et. al., 1586*): *"howbeit that brainless Youth Babington whose proud Stomach, and ambitious Mind incensing him to commit most abominable Treasons, hath been the cause to shed the Blood of others guiltless in his Actions."* Abington introduces his utterance using *howbeit* to catch the attention of the court before he begins to discredit a defendant from another trial. He insults Babington by calling him a *"brainless youth* whose proud and *ambitious mind"* is the reason for his *"abominable treasons"*. He also implies that Babington's crimes resulted in the deaths of innocent people. Whether Abington considers himself as one of these innocent people whose life Babington destroyed, however, is unknown.[27] Nevertheless, he shows anger at Babington to the court by painting a picture of a young and proud man who has more ambition than intelligence. In his statement, Abington gives the adjective *ambitious* a negative connotation, implying that Babington's motives were selfish, because he did not consider the consequences of his actions for others. Although Abington's description of Babington is very close to the historical truth, it is obvious in this situation that he wants to discredit and accuse him, probably as a last possible option for his defence.

This tactic becomes even more clearer when one examines the defendants' use of the epithet *traitor*. For example, in the *Trial of Sir Walter Raleigh* 1603, the defendant Sir Walter Raleigh refers to a witness as a *traitor* with the aim of discrediting his testimony as a witness against him: "*I do not hear yet, that you have spoken one word against me; here is no Treason of mine done: If my Lord Cobham be a Traitor, what is that to me?"*. In his speech, Raleigh addresses the Attorney General, Sir Edward Coke, with the phrase *"I do not hear yet"*, in the sense of *"you still have not accused me of anything"* to make it clear that any statement made by Coke so far is still unproven. Raleigh also stresses that he has no connection with Cobham or his crimes. He also declares his innocence and stresses that no evidence has been presented against him so far, in particular by the witness Cobham. The defendant closes his argument with a question asking in what way Cobham's crimes concern him. Raleigh's question is

[27] The trials of both defendants were connected and can be regarded as part of a larger plot to kill Elizabeth I.

meant to be rhetorical in this situation and can therefore be considered as a statement rather than a question. In this context, *traitor* is used as a fact not an accusation, because Cobham is already in prison awaiting trial for *treason*. Raleigh tries to discredit Cobham as a witness for his own trial and in this way, he changes he preassigned role as defendant to that of a prosecutor. By making his role dynamic, he tries to show the court the bad reputation and unreliability of the witness for the prosecution.

In addition to members of the prosecution, defendants also call themselves *traitor*, either as an admission of guilt and resignation or of ridicule. For example, in the *Trial of Edward Abington et al.* (1586), the defendant Edward Jones calls himself a *traitor* to express his despair at the situation. He says as follows: *"I beseech your Honours to be a means to her Majesty for Mercy, for I desiring to be counted a faithful Friend, I am now condemned for a false traitor."* When the defendant asks the judges for the Queen's *mercy*, he uses the phrase *"I beseech your Honours"*. According to Brown and Levinson (1987), this request signifies negative politeness and is combined with a title of honour to stress the importance of his petition. From a discursive point of view, the defendant pleads his case by contrasting the phrases *"false traitor"* with *"faithful friend"* as two ends on a scale, *false* vs. *faithful* and *traitor* vs. *friend*, to show the court that he is not a *false traitor* but a *faithful friend* to the Crown. In this situation, Jones tries to prove his innocence to the court and to show the injustice that he has to endure of false accusations. With this action, he declares that he rejects the role assigned to him as defendant and *traitor*. The following section examines how defendants, members of the prosecution, and judges used offensive terms and epithets.

7.2. Functions of offensive forms of address

Table 13 presents the various functions of the attested insults and shows that most epithets function as term of reference (0.67) and form of address (0.36), whereas only a few occur in reported speech passages (0.15), and none in indictment/pleading/verdict. *Traitor*, as the most frequently used insult, occurs predominantly as term of reference (0.36) and form of address (0.21), whereas *traitors* is attested only as a term of reference (0.13) and infrequently used in reported speech (0.02). Due to the formality of the EModE courtroom with its strict legal proceedings (see Chapter 2.2.), epithets are not attested for the indictment/pleading/verdict. Overall, insults are infrequently in the EModE courtroom, but offensive and insulting behaviour was often expressed figuratively through the concepts of mockery and irony.

Table 13: Normalised frequencies per 1,000 words of impolite forms of address distributed according to functions

	Form of address	Term of reference	Indictment/pleading/verdict/	Reported speech
Traitor	0.18	0.36	0	0.05
Traitors	0	0.13	0	0.02
Fool	0.02	0.05	0	0.02
Wretch	0.05	0.02	0	0.02
Viper	0.05	0.02	0	0
Plotter	0	0.05	0	0
Villain [Villian]	0	0.02	0	0.02
Spider	0.02	0	0	0
Spiders	0.02	0	0	0
Total	**0.36**	**0.67**	**0**	**0.15**

Defendants

As can been seen in Figure 20, defendants predominantly use epithets as a term of reference to discredit witnesses during the trial, for example. While *traitor* is the most frequently used term of references (0.42), *traitors* and *plotter* follow with a normalised frequency of 0.10. The remaining four epithets have the same low frequency of 0.05, but differ in their functions. With the exception of *fool*, which occurs as a term of reference and in a reported speech passage, *villain*, *traitors*, and *spiders* are attested in only one category.

For example, the epithet *plotter*[28] is exclusively used by defendants such as in the *Trial of Sir Walter Raleigh* (1603), in which the expression occurs twice as a term of reference, once as part of a reply to the court and the other time as part of a rhetorical question (*If I had been the Plotter, would not I have given Cobham some Arguments, whereby to persuade the King of Spain, and answer his Objections?"*). Raleigh addresses the accusation made by the witness Lord Cobham as follows: "*Methinks, my Lords, when he accuses a Man, he should give some Account and Reason of it: I was never any Plotter with them against my Country, I was never false to the Crown of England".* The defendant introduces his account using *methinks* (*I think*) in the sense of *I consider* followed by *my Lords*. The defendant argues that a witness should provide provable evidence when accusing someone (*give some Account and Reason*). However, what Raleigh is really arguing is that Cobham's allegations are insubstantial and without proof. He considers them as accusations rather than hard evidence against him. The defendant further explains to the court that unlike Cobham and other *traitors*, he was never a

[28] A *plotter* is "person who plans or takes part in a plot to achieve an unlawful end, a conspirator" (*OED*: *plotter*, n.).

conspirator (*"plotter with them"*). In his argument, he stresses the fact that he was never disloyal to the realm. Raleigh uses the adjective *false* as a negation when he refers to his homeland as *"my country"* and to his King formally as the *"Crown of England"*. He tries to connect his person with the realm and the King to demonstrate that he is part of the court, the jury, and a loyal member of the realm He wants to distinguish himself from *plotters* in general. According to Nicholls & Williams (2011: 208), Raleigh pointed out in his trial that Spain was destitute by the war and that the witness Cobham was unwilling to confirm his accusations against Raleigh. It seems that it was Coke who finally admitted publicly that he considered King James I as his rightful monarch while awaiting royal patronage (Nicholls & Williams, 2011: 207; Cunningham, 1992: 339).

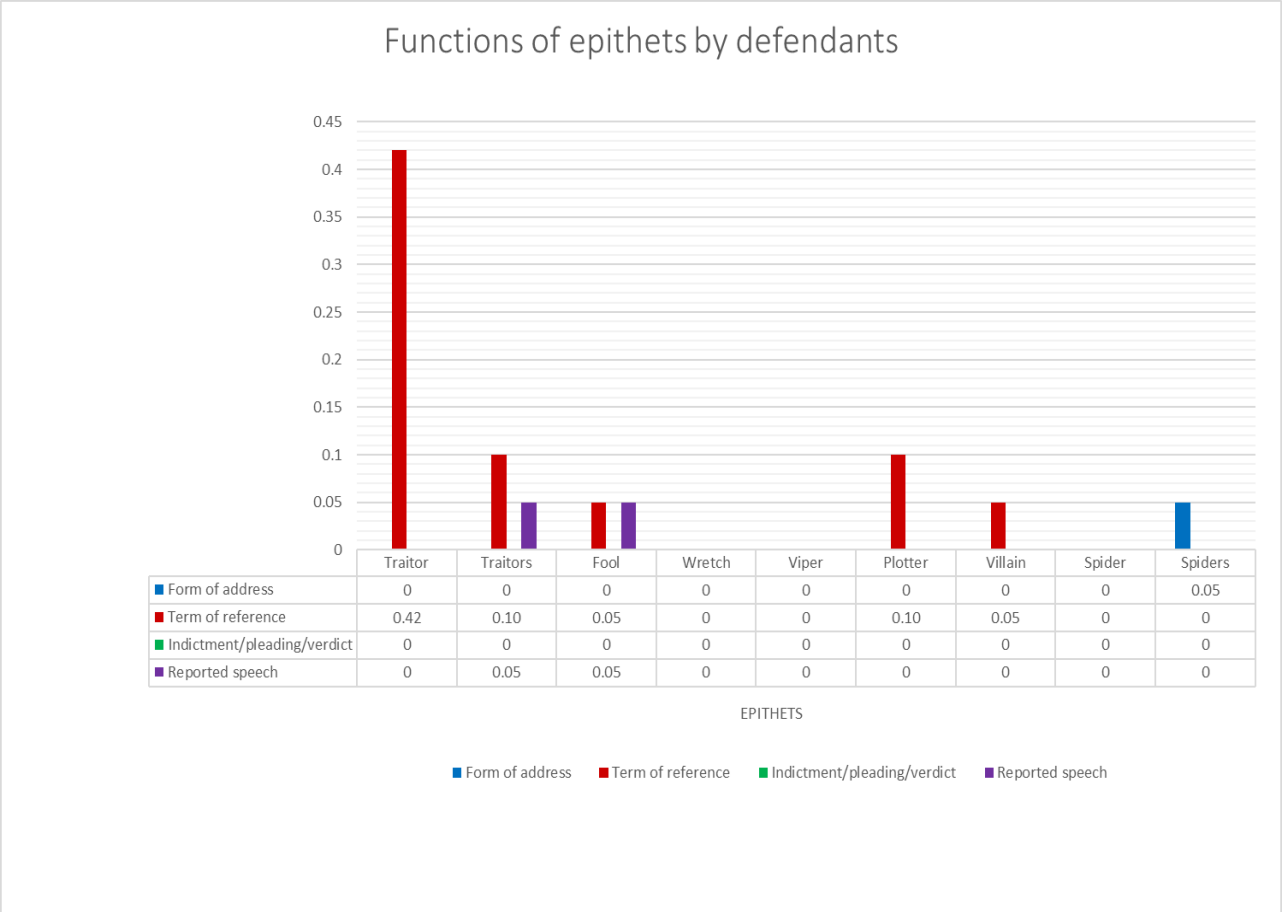


Figure 20: Use of epithets by defendants distributed according to their functions (normalised frequencies per 1,000)

Spiders is the only epithet that is used as a form of address by a defendant to a group of witnesses against him. In this particular example, *spiders* can be considered either as a form of address or term of reference. Sir Walter Raleigh replies to a statement of Sir Edward Coke, Attorney General, as follows (cf. *Trial of Sir Walter Raleigh* 1603): *"I have spent 4000 Pounds of my own against the Spanish Faction, for the Good of my Country. Do you bring the*

words of these hellish Spiders, Clark, Watson, and others, against me?". The defendant emphasises being a loyal subject to the Crown by funding the fight against Spain. The phrase *"for the Good of my Country"* stresses the defendant's aim to show his personal attachment to England. His statement is followed by a question in which he calls the witnesses against him *"hellish Spiders"*. This insult comprises an adjective associated with hell and is linked to the term *spiders*. Raleigh threatens here Coke's positive institutional face as prosecutor before the court and changes so his preassigned role as defendant. His compares these witnesses to insects in the sense of someone who works for a foreign country (Spain) and also calls them by name to prove to the court that he knows who they actually are, therefore, he is in a sense addressing them personally. This is an important fact because Raleigh can directly and openly connect them to their false testimony against him. In contrast to anonymous witnesses, defendants were in a better position to discredit the allegations of witnesses if they could address or refer to them by name. This was another technique for defendants to defend themselves during the trial and to present themselves in a much powerful position in the courtroom than their predetermined role suggests.

Members of the prosecution

While defendants predominantly use epithets as terms of reference, members of the prosecution counsel use insulting expressions to address or refer to others, and in reported speech passages (see Figure 20). The normalised frequencies show that members of the prosecution counsel most often address others as *traitor* (0.45), followed by *viper* (0.13), and *spider* (0.06), whereas *traitors* and *wretch* are exclusively used as terms of reference. *Villain* is the only insult that occurs in a reported speech passage. In contrast, *fool*, *plotter*, and *spiders* are not attested for the prosecution. Figure 21 shows that the insult *traitor* is frequently used by members of the prosecution and also occurs in the combination with other epithets such as *villain*[29] and in a reported speech passage (*Oh Traitor! Oh Villain! now will I confess the whole Truth*) (see the *Trial of Sir Walter Raleigh* 1603). The high frequency of *traitor* can be explained by the number of high treason trials. In addition, it is possible that because of their task of presenting the case, the members of the prosecution believed they had to show the crime of the defendants in a drastic way, using offensive language to achieve this goal.

[29] *Villain* is a criminal or a person involved in criminal activities (cf. *OED*: *villain*, n.).

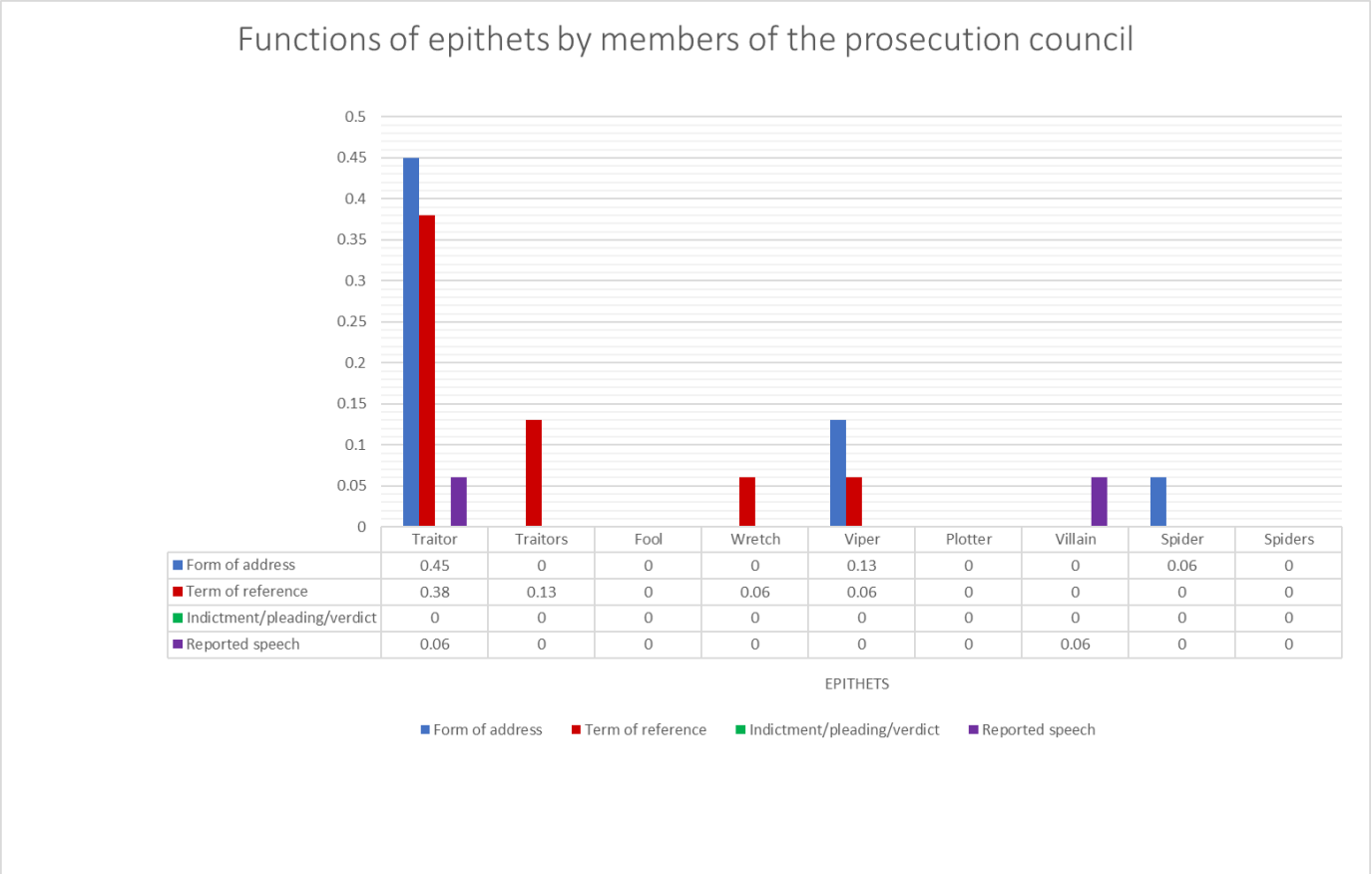


Figure 21: Use of epithets by members of the prosecution distributed according to their functions (normalised frequencies per 1,000).

For example, *viper*[30], an expression derived from the animal kingdom is attested as form of address (0.13) and term of reference (0.06) in the *Trial of Sir Walter Raleigh* (1603). In this trial the Attorney General, Sir Edward Coke, once refers to the defendant as a *viper* (*This was after he had Intelligence with this Viper, that he was false*) emphasising that Raleigh is a *false*, *treacherous*, and *vicious* person who resembles a reptile. In the same trial, Coke addresses Raleigh as a *viper* twice, the first time when he says *"All that he did was by thy Instigation, thou Viper;* and later *Well, I will now make it appear to the World, that there never lived a viler Viper upon the face of the Earth than thou."* The Attorney General combines the insult *viper* with the pronouns *thou* and *thy* instead of *you* when accusing the defendant of being the instigator of the treacherous plot. By combining the pronouns with the epithets, Coke clearly intends to humiliate publicly the defendant and violates the formality of the courtroom by acting outside his preassigned role as prosecutor (see Chapter 4.6.). The second utterance is introduced by the discourse marker *well* to catch the attention of the court

[30] The term describes in a figurative sense "a venomous, malignant, or spiteful person; a villain or scoundrel" or someone "who betrays or is false to those who have supported or nourished him; a false or treacherous person" (*OED*: *viper*, n.).

before he uses the verb *appear* either to reveal all provable facts or to create such impression. He underlines his own conviction of Raleigh's character by threatening to expose the defendant publicly combing the adjective *vile* with the insult *viper* ("*that there never lived a viler Viper upon the face of the Earth than thou"*). He also links the pronoun thy+ the adjective *viperous* + the epithet *treasons* to insult Raleigh (*I want Words sufficient to express thy viperous Treasons*). Coke uses the plural form *treasons* to indicate that the defendant committed several treacherous acts. It seems that the Attorney General wants to show the court that he is unable to find adequate words for all the treasonable acts committed by the defendant. According to Boyer (2003: 203), this belligerence, as presented above, was typical for Coke. Privately, he often spoke of winning an argument with his knowledge of Scripture, but in principle, the Attorney General had a reputation for stretching the law for a common criminal just as he did for Raleigh. Lord Thomas Egerton, Baron of Ellesmere and Chancellor of England, called him once "a foolish and frantic fellow […] turbulently and idly broken-brained" (MS 91[31] qtd. in Boyer, 2003: 204). In general, Coke[32] was a proud man who claimed to have earned all his offices "without begging and bribery" (MS[33] qtd. in Boyer, 2003: 204).

Occasionally, members of the prosecution express their negative attitude towards the defendant figuratively comparing the perpetrator to a *Spider of Hell* with a *Spanish Heart*, for example: *Thou hast a Spanish Heart, and thy self art a Spider of Hell*. This passage can be found in the *Trial of Sir Walter Raleigh* (1603), when the Attorney General, Sir Edward Coke, compares the defendant to an insect that has crawled out of hell. In this case, Coke employs offensive bald-on-record verbal behaviour by using *thou* and *thy*, forms of the marked second person pronoun *thou*. He uses his institutional power position as Attorney General to threaten the positive face-wants of the defendant. Raleigh is humiliated as a person and his preassigned role as defendant becomes even more powerless than it was at the beginning of the trial. Coke, on the other side, does not adhere to the behavioural conventions of the courtroom, but uses face-threatening acts to portray the prisoner as guilty. When investigating the historical background of the trial (see Chapter 10, Appendix), it is confirmed that the Attorney General wanted to impress the new King James I, who personally disliked the defendant.

[31] BL Lansdowne MS 91, No. 14 (Ellesmere to Salisbury, 12 Sept. 1608).
[32] In 1616, Coke was dismissed from his office, because it appears that during his time "he had used confessions procured by torture, sent to many felons to the gallows, and to many courtiers to the scaffold". (Boyer, 2003: 206).
[33] Historical Manuscripts Commission, Ninth Report: The Manuscripts of the Right Honorable the Earl of Leicester at 374 (1884) (unpublished manuscript on file at Holkham Hall, Norfolk).

Coke's use of the term *hell* shows Raleigh's anti-religious stance and demonic character. It is unclear whether the insult *spider* simply means an insect or suggests that *spider* is used as a synonym for spy and the term *hell* another for Spain. This would be a possible explanation because Coke also accuses Raleigh of having a *Spanish heart*, in the sense that he is a Spanish agent working for the enemy. The Attorney General's face threatening acts and the use of epithets reinforce his preassigned role as prosecutor. Due to the convention of EModE society, such behaviour would have been unthinkable outside the courtroom due to Raleigh's social status and wealth. In EModE society, these elements would have protected him from losing his powerful "assigned role", namely as a member of the gentry, whereas in the courtroom he has lost most of his personal and, above all, institutional power.

Judges

Judges prefer epithets to address someone as *wretch, traitor, fool,* for example. They usually combine insults with instructions concerning the law or moral questions. *Traitors* and *fool* are used as terms of reference, whereas *wretch* can be found in reported speech. *Plotter*, *viper villain*, *spider*, and *spiders* are not attested for any judge (Figure 22). Although the main tasks of judges were to chair trials and to give legal advice, occasionally, judges use offensive language to address defendants. For example, in the *Trial of Anthony Babington et. al.* 1586, Judge Sir Christopher Hatton addresses the defendant Henry Donn as *wretch* (*"O Wretch, Wretch! thy Conscience and own Confession shew that thou art Guilty. Say what you will."*). In addition, he combines the epithet with the intensifier *O* and uses *thou* instead of the default pronoun *you*. This example shows that judges also change their preassigned roles and act similar to prosecutors. In doing so, Hatton puts pressure on the defendant to confess and, at the same time, it also demonstrates that he was biased. By using epithets Hatton prejudiced the defendant, Henry Donn.

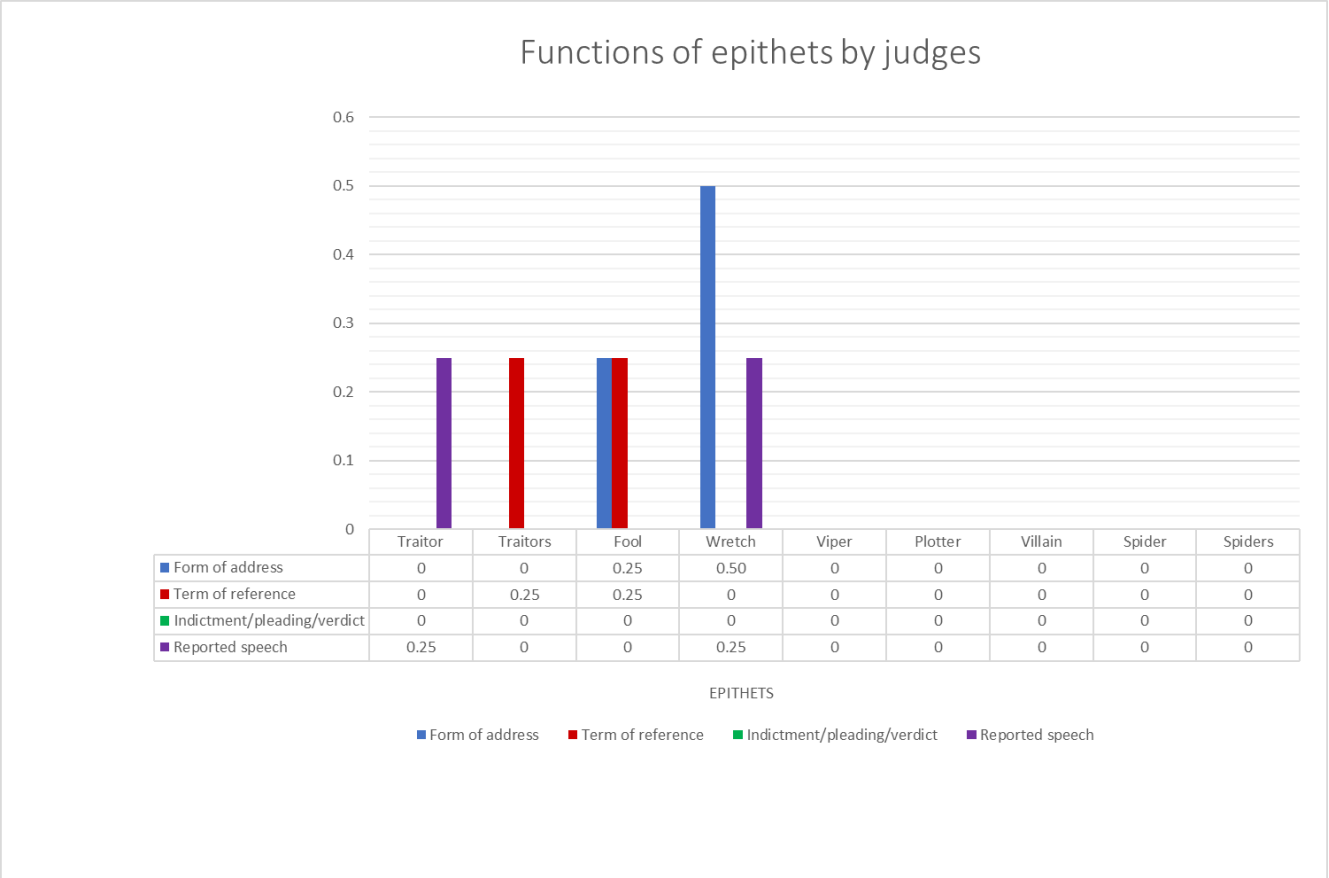


Figure 22: Use of epithets by judges distributed according to their functions (normalised frequencies per 1,000)

In the following subsections, the use of particular epithets by defendants, members of the prosecution, and judges is investigated. The focus is on how each group of speakers used these offensive expressions in terms of function. Additionally, the contexts of the utterances and trials are examined as well.

Traitor

Table 14 presents the term *traitor* as used by all three speaker groups in its various functions. While defendants use *traitor* exclusively with a normalised frequency of 0.42 as a term of reference, members of the prosecution address (0.45) someone as *traitor* and refer to them as such (0.38). In addition, *traitor* is attested to judges (0.25) and members of the prosecution (0.06) in reported speech passages. Due to the number of trials, the term *traitor* occurs frequently. Some EModE trials even became famous because members of the prosecution counsel repeatedly used epithets, but these few trials do not represent the norm of trials in the historical courtroom. Usually, trial participants expressed impoliteness figuratively through concepts such as mockery and irony and not literally.

Table 14: Normalised frequencies (per 1,000 words) of *traitor* distributed according to its functions and as used by defendants, prosecution, and judges

Traitor	Form of address	Term of reference	Indictment/pleading/verdict	Reported speech
Defendants	0	0.42	0	0
Prosecution	0.45	0.38	0	0.06
Judges	0	0	0	0.25

In the *Trial of Sir Walter Raleigh* (1603), *traitor* occurs in a reported speech passage (0.25) and was recited by Sir John Popham as follows: *"[Lord Cobham] he desired to see the Letter again, and then said, Oh Wretch! Oh Traitor! whereby I perceiv'd you had not perform'd that Trust he had reposed in you."* This example demonstrates a switch between different speech styles. At the beginning of the turn, Judge Popham reports about examining the witness, Lord Cobham and the bold-on-record insulting exclamation of the witness *"Oh Wretch! Oh Traitor!"*. The two epithets *wretch* and *traitor* occur with the intensifier *Oh* to stress the outrage of the witness. The exclamation of the witness should emphasise Raleigh's betrayal of him and destabilise Raleigh's institutional power as defendant. Moreover, Cobham appears as a victim rather than a co-conspirator. Then the prosecutor switches from a reported speech passage to direct speech, adding personal commentary to the witness' narrative, a verbal behaviour that breaches the formal conventions of the historical courtroom. In this context, Popham refers to Cobham's trust invested in Raleigh, which was betrayed by him. By reciting the insults of the witness, he portrays the defendant as a *traitor*, first to the realm and second to his collaborator. Popham attacks Raleigh positive face before the court, especially when he portrays him as a man who had unscrupulously betrayed Cobham, who was Raleigh's friend and acquaintance. With this action the Judge changes his preassigned role as chair of the trial and becomes a prosecutor who tries to show the guilt of the defendant.

Traitors

The epithet *traitors* is found neither as a form of address nor in the indictment/pleading/ verdict. However, *traitors* occurs twice as term of reference used by defendants (0.10) and the prosecution (0.13) and once by a judge. The term is also attested in its function as reported speech in the group of defendants (0.05). Although judges once used the term *traitors*, the normalised frequency of 0.25 shows that despite the lower word count in general, insulting terms are more frequently used among judges than in the other two speaker groups.

Table 15: Normalised frequencies (per 1,000 words) of *traitors* distributed according to its functions and as used by defendants, prosecution, and judges

Traitors	Form of address	Term of reference	Indictment/pleading/verdict	Reported speech
Defendants	0	0.10	0	0.05
Prosecution	0	0.13	0	0
Judges	0	0.25	0	0

In the *Trial of Howard Duke of Norfolk* (1572), the defendant, the Duke of Norfolk, uses *traitors* twice to refer to other defendants and once to recite a legal text: *"Bracton hath a Saying, That Witnesses must be Freemen and not Traitors, neither outlawed nor attainted."* In Norfolk's view, the testimonies of the prosecution's witnesses are worthless and inadmissible. He points out that from a legal point of view, *traitors* cannot be witnesses. Although many defendants advocated this particular rule during trials, the prosecution allowed such testimonies. In contrast, members of the prosecution often pointed out that as long as witnesses were only charged but not convicted of high treason, their testimonies were still considered reliable. However, this legal requirement only applied to witnesses of the prosecution. To further emphasise his point, the Duke of Norfolk portrays the characters of the witnesses when he states: *"besides that they have confessed themselves Traitors, and so Men of no Conscience or Credit."* Norfolk tries to emphasise the fact that these men had already confessed *treason* and calls them *"Men of no Conscience or Credit"*, that is, *traitors*. In this context, the defendant tries to discredit the witnesses and depict them as men of disreputable character who should not have the right of accusing him of *treason*. Norfolk's various arguments show that defendants tried many tactics to enhance their defence by discrediting witnesses or making their accusations inadmissible for the trial. In this way, Norfolk does more than to defend himself, he changes his preassigned role from defendant to prosecutor and strengthens his power position in the trial.

Fool

In the EModE period, *fool* was, according to the *OED*, a less offensive term compared to today. While the epithet is not attested for members of the prosecution, it occurs twice in the group of judges with a normalised frequency of 0.25, either as a form of address or a term of reference. *Fool* is affirmed for defendants in reported speech (0.05) and one time as a term of reference. In the latter case, a defendant used the expression to refer to himself as *fool* (0.05). Judges use this term most frequently compared to defendants and members of the prosecution.

Table 16: Normalised frequencies (per 1,000 words) of *fool* distributed according to its functions and as used by defendants, prosecution, and judges

Fool	Form of address	Term of reference	Indictment/pleading/verdict	Reported speech
Defendants	0	0.05	0	0.05
Prosecution	0	0	0	0
Judges	0.25	0.25	0	0

An attestation for *fool* is found in the *Trial of Sir Walter Raleigh* (1606) when the defendant states as follows: *"I would not desire to live, if I were privy to Cobham's Proceedings. I have been a Slave, a Villian, a Fool, if I had endeavour'd to set up Arabella, and refus'd so gracious a Lord and Sovereign."* Sir Walter Raleigh introduces his statement with the phrase *"I would not desire to live"* expressing his belief that he would rather be dead than a *traitor*. He further explains his belief when he combines the expressions *slave*, *villain*, and *fool* to refer to himself. By using them as terms of references, he makes it clear that he is none of these. As a *slave* he would have been forced to do so, as a *villain* it would have been his intention, and as a *fool* he would not have been smart enough to act the way Cobham accuses him of doing. In this context, the defendant uses the epithets *fool* and *villain* and the term *slave* to emphasise his innocence. Raleigh explicitly denies knowing anything about Lord Cobham's intention to help Lady Arabella, a relative of the Stuarts, to claim the throne. Lady Arabella had the same legal entitlement to the English throne as James I.[34] Furthermore, Raleigh very politely refers to King James I as his *"gracious Lord and Sovereign"* to emphasise that he regards the King as his only monarch to whom he has sworn his loyalty.

Wretch

The term w*retch* in the sense of a despicable person occurs frequently as a form of address (0.50) and less frequent in reported speech (0.25) among judges. Among members of the prosecution the epithet is infrequently used as term of reference (0.06). With a normalised frequency of 0.76, the term *wretch* is the most frequently used epithet by judges in the data, whereas the term *traitor* is preferred by defendants (0.42) and members of the prosecution (0.90) (see Table 12).

[34] Three people had legitimate claim to the English throne after Elizabeth's death: King James of Scotland, Lady Arabella Stuart, and, Lord Beauchamp.

Table 17: Normalised frequencies (per 1,000 words) of *wretch* distributed according to its functions and as used by defendants, prosecution, and judges

Wretch	Form of address	Term of reference	Indictment/pleading/verdict	Reported speech
Defendants	0	0	0	0
Prosecution	0	0.06	0	0
Judges	0.50	0	0	0.25

In the *Trial of Sir Walter Raleigh* (1606), the Attorney General, Sir Edward Coke, addresses the court as follows: "*The Lord Cobham, who of his own Nature was a good and honourable Gentleman, till overtaken by the Wretch, now finding his Conscience heavily burdened with some Courses which the Subtilty of this Traitor had drawn him into;".* Coke introduces his statement by characterising the witness as a *"good and honourable Gentleman"*, using the adjectives *good* and *honourable* and linking them to *Gentleman*, a term used for men of a wealthy and moral background, namely respectable and upright citizens. Then the prosecutor switches to Raleigh's character, who is despicable in his eyes. He underlines his conviction by calling the defendant a *wretch* and *traitor*. This example again shows that Coke crosses the line from sanctioned verbal aggression in his role as member of the prosecution to impoliteness by portraying the defendant in a contemptible manner (see Section 4.6). Overall, Coke describes a man who manipulates Cobham into treasonable acts that led to the destruction of the witness. In his statement, Coke shows the court that Cobham, although accused of *treason*, deeply regrets his mistakes and is therefore still a valuable and reliable witness for the prosecution.

7.3. The pronouns of the second person singular *you* and *thou*

The distinction between the two pronouns *you* and *thou* became important when the originally plural *you* became the polite/default form of address between members of the upper social classes, whereas *thou* (*thee*, *thy*, *thine*), which was withdrawn from common usage, developed an asymmetrical meaning. From now on, *thou* was used in private to express closeness, but also to demonstrate social superiority over others. Moreover, *thou* implies offensive behaviour when addressing someone from the same or even higher social class with this pronoun (Nevalainen, 2014: 78).

The decision to focus on *you* and *thou* in this section is based on the asymmetrical power structures of EModE trial proceedings. The formality of the EModE courtroom is reflected when *you* and *thou* are chosen to address or refer to someone during trial. The main

distinction between these two pronouns is their functions, which reflect the formality of the courtroom and the social conventions in the EModE period. While *you* is considered a polite/default form of address, a way of addressing someone respectfully, someone who is superior, or between equals in higher social classes, *thou* is used to express someone's inferiority and became a form of insult, particularly in combination with an epithet (e.g. *traitor* or *viper*; see *Trial of Sir Walter Raleigh*, 1603). As a result, *thou* develops a negative and marked meaning, whereas *you* is used with terms of honour such as *Lady*, *Lord*, *Grace*, which express distance and negative politeness, or in other words, an act of deference. Although this pronoun started as a substitute for the pronouns *thou* and *thee*, it became the leading polite/default form of address during the 17th century (Nevala, 2018: 80; Mazzon, 2010: 366). In the EModE courtroom, *you* also occurs in expressions such as *"you are not an honest man"*, which is a combination of the default form of address *you* and a threat to the face of the addressee, suggesting that the addressee is a liar (cf. *Trial of Thomas Duke of Norfolk* 1571).

When *thou* is used in fixed phrases to address the defendant, it has a special function in EModE trials. This formulaic *thou* is part of the phrases used in the indictment, plea, and verdict of the court records until the beginning of the 18th century. This specific use of *thou* was accepted by all trial participants and caused no offence. For example, in the *Trial of Thomas Duke of Norfolk* (1571), the defendant with the highest social rank is addressed by the Clerk of the Crown, Miles Sandes, as follows: "*How say'st thou, Thomas Duke of Norfolk, art thou guilty of these Treasons whereof thou art indicted, in manner and form as thou art thereof indicted, Yea or No?".* This example shows that the formulaic *thou* is not influenced by non-linguistic factors such as age, gender, or rank of trial participants and contrasts with *thou* as a non-formulaic address term (Walker, 2007: 69; Finkenstaedt, 1963: 141). Table 18 shows the normalised frequencies of the two pronouns *you* and *thou*, including *thy*, *thee*, *thy (self)*, *thine*, *thyne.*

Table 18: Normalised frequencies (per 1,000 words) of *you* and *thou* etc. in subperiods 1 and 2 (1560-1639)

Pronouns	Normalised frequency per 1,000 words
you	15.70
thou	3.00 [2.59]
thy	0.93
thee	0.60
thy (self)	0.26
thine	0.13
thyne	0.03

Table 18 shows that *you*, with a normalised frequency of 15.70 occurs more frequently than *thou* with a frequency of 3.00 (2.59 refers to the results without formulaic *thou*). The forms *thy* (0.93), *thee* (0.60), *thy(self)* (0.26), *thine* (0.13), *thyne* (0.03) are used less frequently. The occurrences of the formulaic *thou* are excluded from the analysis because, as presented above, it was not offensive. The results show that *thou* was replaced by *you* in the indictment plea, and verdict during the EModE period. While *thou* in its formulaic form is found in trials from the 1570s such as the *Trial of Thomas Duke of Norfolk* (1571) or the *Trial of Robert Hickford* (1572), in later trials it usually occurs when judges or members of the prosecution deliberately insult or offense other participants. Occasionally, *thou* is attested in the verdict when the judge wants to show compassion to a defendant (see *Trial of Lady Frances*, 1616).

You eventually becomes the default form of address, including in the indictment, plea and verdict. Therefore, all occurrences of *you* in the singular form are used for the analysis, whereas other forms of the pronoun *you* such as *yourself*, *your* etc. are excluded from the analysis. The reason for this is that *you* is found as the standard form of address in formal situations, such as the courtroom in the EModE period, whereas *thou* is the exception.

The pronoun you

The different uses of *you* and *thou* by defendants, members of the prosecution, and judges (Figure 23) are noticeable, in particular the frequently use of *you* by judges. As chair of the trial, judges usually address other trial participants to give them legal advice or to instruct them. On such occasions, the default form *you* is appropriate. While members of the prosecution have a normalised frequency of 18.70 for *you*, defendants use the pronoun infrequently compared to the other speaker groups (7.70) (Figure 23). For example, defendants use the phrase *"I beseech you, my Lord,* […]" (*Trial of Thomas Hickford*, 1572)

when making a request or when making an accusation *"You sayde, that you would proceede with rigour against me,* […]" (*Trial of William Parry*, 1585).

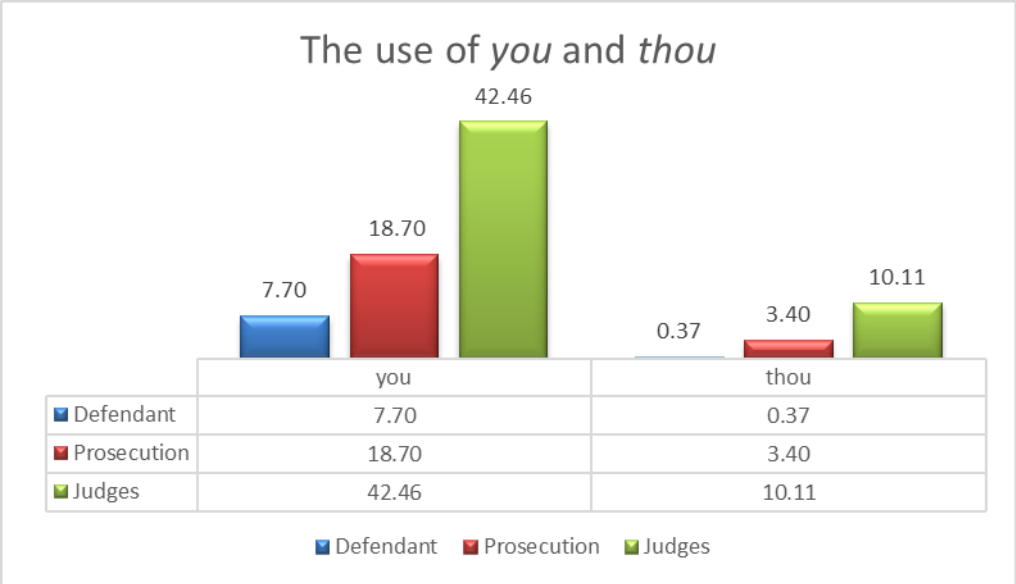


Figure 23: Normalised frequencies of *you* and *thou* distributed as used by the three speaker groups.

You is used by members of the prosecution when questioning a defendant from the highest social class: *"I pray you at what time, since her Majesty's Commandment upon your Allegiance, did you forbear to deal with the Scotish Queen?"* (*Trial of Thomas Duke of Norfolk*, 1571). Although the Attorney Thomas Wilbraham respectfully addresses the Duke of Norfolk as *you*, the content of the question attacks the positive face of the defendant by implying disloyal behaviour on part of the defendant towards Elizabeth I. His question shows verbal aggression, but not impoliteness (see Chapter 4.6.). Furthermore, judges also address defendants as *you*, as in the *Trial of Robert Carr, Earl of Somerset* (1616). The Lord High Steward, Thomas Egerton, addresses the offender as *you* and as *my Lord* to emphasise the formality of the courtroom: *"If you have any more to say, my Lord, you shall be heard at length; we will not straiten you in Time."* While *you* has become the default form of address in a formal setting such as the courtroom, the pronoun *thou* became even more prominent when used deliberately to insult others.

The pronouns thou, thee *etc.*

A similar trend can be seen in the use of the form *thou* to insult others during trials or using it to emphasise social superiority. Table 20 presents the distribution of the pronouns *thou*, *thee* etc., excluding their formulaic use, according to the three speaker groups. The results show

that judges are the most frequent users of the pronouns *thou*, *thee* etc. with a total normalised frequency of 19.20, followed by members of the prosecution (5.62), and defendants 0.52.

Table 20: Normalised frequencies (per 1,000 words) of *thou*, *thy*, *thee*, *thy(self)*, *thine*, and *thyne* as used by the three speaker groups.

Pronouns	**Normalised frequency per 1,000 words**		
	Defendants	**Prosecution**	**Judges**
thou	0.37	3.40	10.11
thy	0	1.16	4.55
thee	0.10	0.77	2.27
thy (self)	0.05	0.19	1.52
thine	0	0.13	0.76
thyne	0	0.07	0
Total	**0.52**	**5.72**	**19.20**

Although the main task of judges is to chair trials, they often negotiate their preassigned role and switched them to the role of a prosecutor, which gives them the opportunity to use *thou* more often. In the *Trial of Edward Abington et al.* (1586), Judge Christopher Hatton addresses the defendant John Charnock as follows: *"Charnock, thy Offence is too high for me to be an Obtainer of thy Pardon, but I am sorry for thee; if thou hadst applied thy self the best way, thou mightest have done thy Country good Service."* Although Hatton uses the pronouns *thy* and *thee*, his utterance portrays him as the chair of the trial advising the defendant. Moreover, he uses the phrase *"I am sorry for thee,"* which shows sympathy for the situation of the defendant despite his actions.

In contrast, Judge Hundsdon's statement displays pure anger but also his institutional power as judge when he promises the defendant Parry that *"For thy laying of thy blood, it must lye on thine owne head, as a iust reward of thy wickednesse. The lawes of the Realme most iustly condemne thee to die out of thine owne mouth, for the conspiring the destruction both of her Maiestie, and of vs all: therefore thy blood be vpon thee, neither her Maiestie, nor we at any time sought it, thy selfe hast spilt it*." (*Trial of William Parry*, 1585). The example displays that *thou* and its forms are used to express resentment and anger towards the defendant, threatening bald-on-record the positive face of the defendant. Judge Hundsdon constantly addresses the defendant as *thy*, *thine*, *thee*, which shows that the judge breaches the formal conventions of the EModE courtroom. Moreover, Hundsdon tells him that he alone is responsible for his death sentence as *"a iust reward of thy wickednesse"*. Hundsdon

emphasises Parry's bad character and moral disposition by using insulting terms, citing them as reasons for his future death sentence, which will be a just price for his treasonous actions. As legal evidence for Parry's conviction, the judge refers to the *"impartial lawes of the Realme"* on which his prosecution is based on and on which he will eventually be executed. Hundsdon repeatedly stresses that Parry had reasons to murder the Queen, which led to the defendant's harsh punishment. Interestingly, he describes the defendant's faith very vividly by repeatedly referring to his *blood* that will be *spilt* [spilled] and *"lay on his head"*. With this description, the judge tries to paint the picture of Parry's future execution, which was eventually more horrible than Hundsdon's description could ever have been (see Chapter 10, Appendix).

A similar example of anger is found in the *Trial of Sir Walter Raleigh* (1603), in which the Attorney General, Sir Edward Coke, displays publicly his outrage at the defendant when he states: *"I will lay thee upon thy Back, for the confidentest Traitor that ever came at a Bar* or *I want Words sufficient to express thy viperous Treasons"*. In this situation, Coke addresses Raleigh with the pronouns *thee* and *thy* to emphasise the extent of the defendant's actions, and uses the epithet *traitor* in conjunction with the superlative of the adjective *confident*.

In contrast, most defendants use respectful language to address others during the trial, therefore, using *thou* etc. during the trial would have been a violation of all social rules. The few attestations of these pronouns for defendants occur when referring to earlier conversations, for example. *Thou* used by defendants is found in the *Trial of Robert Hickford* (1572), where the defendant twice uses *thou* in reported speech *("He answer'd me, thou art a Fool, thou understandest not")*. Both times, the defendant reports a situation in which Hickford's employer, the Duke of Norfolk, addressed the defendant, his secretary Robert Hickford, as *thou* in combination with the insult *fool*.

A clear exception to the general use of *thou* by defendants is found in the *Trial of the Earls Essex and Southampton* (1601), when the Earl of Essex addresses the witness Sir Ferdinando Gorges as *thou, thyself,* and *thee*. It is not clear whether Essex used the pronouns to express closeness to the witness and former friend or whether he is emphasising his superior social position to him. The content of his statements suggests the latter. In the first turn, he addresses Gorges as follows: *"speak nothing to touch thy self, and speak what thou wilt to me; for I see thou desirest to live, yet speak like a Man*." In this situation, Essex tries to show the court that

the witness' accusation is simply a lie. Essex asks him to tell the court his dishonour bravely and not like a coward. The defendant introduces his second turn with the contrastive marker *but* in conjunction with *yet* to catch the attention of the court and to emphasise that he is not afraid of the content of the witness' narration: *"But yet, I pray thee, good Sir Ferdinando, speak openly whatsoever thou dost remember; and with all my heart I desire thee to speak freely".* Essex uses *thou* and *thee* in this turn, he addresses the witness with the adjective *good* + the socially appropriate form of address *Sir* + the name *Ferdinando*. Although this combination implies neither anger nor offense by the defendant, the pronoun was not used as a marker of friendship. Nevertheless, with such behaviour, Essex negotiated his preassigned role as defendant and transformed it into that of a prosecutor.

7.4. Summary

Overall, the use of epithets is rather infrequent in the first two subperiods of the extended version of the *SPC*. The most frequent form of insult is *traitor* with a normalised frequency of 0.62, whereas *spider* and *spiders* are only once used. The selected insults can be divided into different categories that are either associated with high treason trials (*traitor*, *traitors*, *plotter*), compare a person to a reptile or insect (*viper*, *spider*, *spiders*), negatively characterise a person with no connection to a crime (*wretch*, *villain*), or use a term that was less offensive in the EModE period compared to today (*fool*) (see OED definition of *fool*). While these nine epithets are predominantly used as a term of reference (0.67), form of address (0.36), and in reported speech (0.15), none of them occur in the indictment/pleading/verdict. Moreover, the three speaker groups, defendants, members of the prosecution, and judges, use these epithets differently in terms of their functions and normalised frequencies. Judges, for example, use epithets more frequently than any other speaker group, either to address someone or less frequently to refer to someone. The normalised frequency of insults is higher among the group of judges (1.77), than among members of the prosecution (1.41), and among defendants (0.89). It appears that judges, whose role was to chair trials, inform or instruct others on legal issues and moral conduct, particularly call defendants *wretch*, *fool*, or *traitor*. when giving advice. In such cases, judges usually switched from their preassigned role as chair of the trial into a prosecutor.

Members of the prosecution elicit information from defendants and present the case to judges and members of the jury. Therefore, it is not surprising that this speaker group uses insults to refer to defendants or other trial participants. However, the results show that epithets are

infrequently used in the EModE courtroom and most insulting expressions such as *traitor* or *viper*, even used in conjunction with offensive adjectives such as *notorious* or superlatives such as *most vile and execrable* or *confidentest*, are only occur in a few trials. Impoliteness was more often expressed through concepts such as irony or sarcasm.

Defendants whose position is weaker compared to other groups due to the asymmetrical power position in trials frequently use epithets such as *traitor*, *traitors*, and *plotters* (0.89) as terms of reference or in reported speech. Their aim is to defend themselves by discrediting the testimony or characters of other trial participants, usually witnesses or other defendants. The tactic is used to strengthen their position and to change into the role of a prosecutor. This tactic is necessary because until the end of the 17th century, defendants in high treason and criminal trials had no legal advisers or barristers. They were expected to defend themselves, which made such tactics crucial during EModE trials.

Many insults and epithets co-occur with *thou*, which acquired a negative connotation, whereas *you* became the respectful form of address expressing the formality of the trial proceedings. In general, *thou* and its several forms had different functions and were used variously compared to *you*. Firstly, at the beginning of the EModE period, *thou* always appeared in its formulaic form in the indictment, the plea, and the verdict. This form was not offensive and was also used in trials with defendants from the nobility; secondly, *thou* etc. was used to express anger, annoyance, and rage of judges and members of the prosecution towards others, especially defendants; thirdly, these pronouns also had the function of reminding the public and the offender to the seriousness of treasonable acts.

8. The extended *SPC*: Nouns co-occurring in trial proceedings

The previous chapters discuss forms of address that are typically used to either achieve politeness/express deference or to insult/offend the addressee. The analyses show that these linguistic elements were used differently by defendants, members of the prosecution, and judges. Although the influence of the preassigned role, the social status, and the type of the trial on the choice of words is clear, it is also evident that the struggle between the institutional norms and the local negotiation, namely the asymmetrical power structure of the courtroom and the given roles of the trial participants, developed during the trial due to the ongoing communicative interaction. This power struggle and the dynamic negotiation of roles is not limited to forms of address, but can also be found in the analysis of nouns that typically occur in trial proceedings such as *mercy*, *evidence*, or *proof*. These specific nouns are found, for example, in the formulaic phrases of *arraignment*, *plea*, or *verdict*, three crucial parts of the judicial process. In such cases, the speakers have always pre-assigned roles that give them the power to perform an action, for example to pass judgement, or, on the other side of the scale, to ask for *mercy*. However, as mentioned earlier, roles in EModE trials are dynamic due to negotiation, which shifts the power structure in the courtroom in relation to the individually preassigned role. The analyses in this chapter show both the use of these nouns as part of formulaic phrases and their dynamic potential to shift roles. The focus is again on the three main speaker groups: defendants, members of the prosecution, and judges.

As mentioned in Chapter 5, the nouns for the analysis in this chapter had to meet several criteria: Firstly, nouns that typically occur in trials such as *treason(s)*; secondly, nouns that are legal terms and therefore an essential part of any trial such as *evidence*, *proof*, etc; thirdly, nouns that frequently occur in the formulaic phrases of the indictment, plea, or verdict and are therefore used differently by the particpants; finally, nouns used by all three speaker groups to present the case, either to defend themselves (defendants), to obtain information (prosecution), or to guide and inform other trial participants (judges). It is important to note that two nouns (*witness*, *indictment*) were omitted from the analysis. *Witness* represents a speaker group in trials, whereas *indictment* is a legal document that presents the defendant's charges and was read at the beginning of each proceeding. The five most frequently used nouns that fitted the categories explained above were selected. Due to the low frequencies (see Table 9) the next four most frequently occurring nouns that fitted into the above presented categories were added to the analysis. The results are presented in Table 19.

Table 19: Normalised frequencies (per 1,000 words) of nouns co-occurring in trials in subperiods 1 and 2 (1560-1639)

Nouns	Normalised frequency per 1,000 words
Treason	2.10
Mercy	0.93
Truth [Trueth]	0.62
Treasons	0.59
Evidence	0.57
Confession	0.54
Accusation	0.52
Proof	0.41
Proofs	0.26

The most frequent noun is *treason* with a normalised frequency of 2.10, a result consistent with the high number of high treason trials in the data, followed by *mercy*[35] (0.93). *Mercy* is a typically example for a noun that occurs in formulaic phrases such as the verdict, for example: *"and the Lord have Mercy upon your Soul"* (cf. *Trial of Lady Frances Countess of Somerset*, 1616). In such cases, judges used *mercy* when passing the death sentence, which shows the exercise of absolute institutional power by an EModE judge. If, on the other hand, a defendant asks for *mercy*, it was usually formulated as follows: *"I submit my self wholly to her Majesty's Mercy."* (cf. *Trial of Robert Hickford*, 1571). This complete submission of an offender clearly shows the asymmetrical power structure in the courtroom and his/her weak and vulnerable role in the trial. In such cases, any of form of negotiation between the institutional power (judge/court proceeding) and the individual role (defendant/social status) is limited to an attempt to plead for his/her life.

The noun *truth[trueth]* with a normalised frequency of 0.62 is attested, for example, when a defendant uses the role assigned to him/her to places his/her fate in the hands of a higher being *("I trust to God and my Truth")* (see *Trial of Thomas Howard Duke of Norfolk* 1572). In such situations, the offender has reached a point in his/her defence when further action is restricted, either because the prosecution has presented evidence/proof unfavourable to the accused, or at the end of a trial. The example presented above is interesting, because when the defendant Norfolk is asked if he had anything to say before sentencing, he emphasises that he trusts in his *truth*, not in that of the court or the trial and definitely not in the court's decision. According to Brown and Levinson (1987), Norfolk is here threatening the positive face of the

[35] *Mercy* is defined as "clemency and compassion shown to a person who is in a position of powerlessness or subjection, or to a person with no right or claim to receive kindness" (*mercy*, *OED*, n).

court, or in other words, he threatens the institutional power of the court (judges) and negotiates his role (Grainger 2018). It appears that Norfolk is making his last attempt to show openly an opposition to the court by stating that whatever the verdict will be, it will not be according to his *truth*. The noun is used here to make a statement of power rather than weakness.

Confession is almost as frequent as *evidence* (0.54) and occurs, for example, when defendants try to prove their innocence by arguing that they have nothing to fear from their own testimony: *"As for my Dealing therein, God is my Witness, that I have done uprightly I will make mine own Confession."* (cf. *Trial of Howard Duke of Norfolk* 1572). *Confession* is also attested when the prosecution presents the case to the court: *"Now you shall also hear it confess'd by the Bishop of Rosse, who at the time of his Confession was in Prison, not knowing what Barker had said."* (cf. *Trial of Howard Duke of Norfolk* 1572).

Accusation has a similar frequency (0.52) and is the only noun used by all three speaker groups in the same sense, namely as an allegation. For example, when a defendant addresses the prosecution as follows*: "Let me see the Accusation: This is absolutely all the Evidence can be brought against me; poor Shifts!"* (cf. *Trial of Sir Walter Raleigh* 1603). In another example, a member of the prosecution presents his case and addresses the court with the noun *accusation*: *"The Course to prove this, was by my Lord Cobham's Accusation. If that be true, he is guilty; if not, he is clear."* (cf. *Trial of Sir Walter Raleigh* 1603). Another example shows the task of the judges to explain legal matters to defendants: *"It is the Accusation of my Lord Cobham, it is the Evidence against you."* (cf. *Trial of Sir Walter Raleigh* 1603). It is important to note that *accusation* occurs almost exclusively in the *Trial of Sir Walter Raleigh* (1603) and only once in another trial (cf. *Trial of Robert Earl of Somerset* 1616). Furthermore, the defendant uses the noun *accusation* predominantly, whereas members of the prosecution, and judges use it less frequently.

When examining which group of speakers uses these nouns most frequently, it is interesting to note that defendants (1.62), members of the prosecution (2.70), and judges (2.02) prefer the noun *treason*. The normalised frequencies show that judges use *treason* more often than defendants, but less than members of the prosecution.

Table 20: Normalised frequencies (per 1,000 words) distributed according to the three speaker roles.

Nouns	Normalised frequency per 1,000 words		
	Defendants	**Prosecution**	**Judges**
Treason	1.62	2.70	2.02
Mercy	1.26	0.32	1.77
Truth/Trueth	0.47	0.51	1.77
Treasons	0.52	0.64	0.76
Evidence	0.37	0.64	1.26
Confession	0.26	0.90	0.50
Accusation	0.47	0.45	1.01
Proof	0.16	0.77	0.25
Proofs	0.16	0.32	0.50

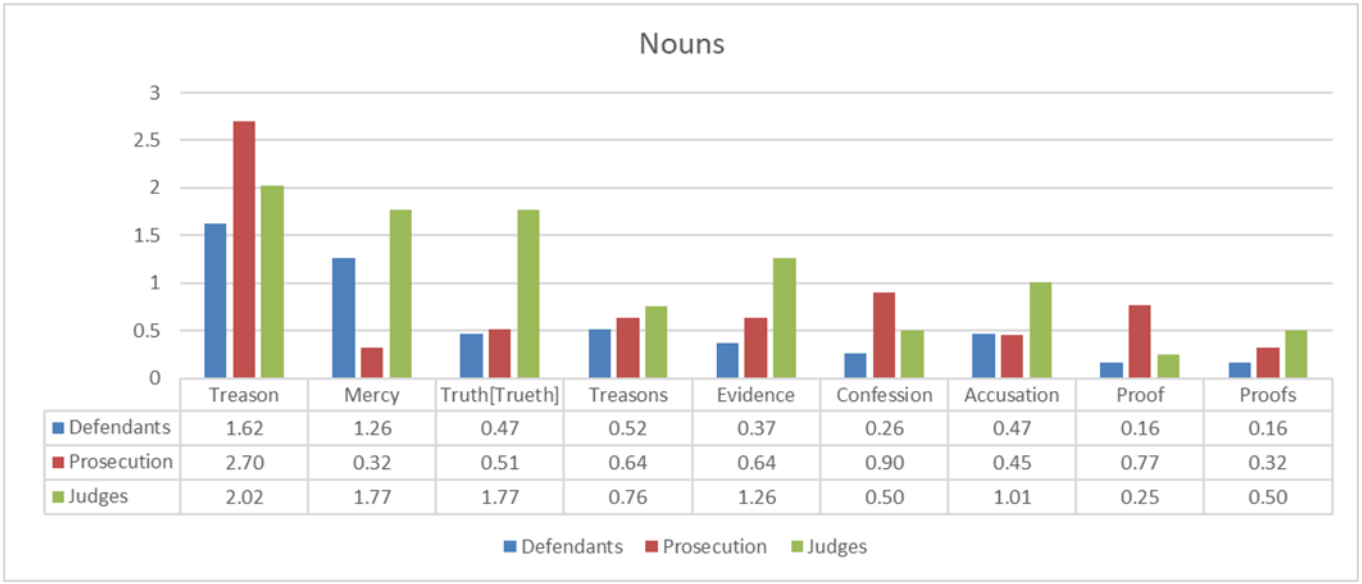
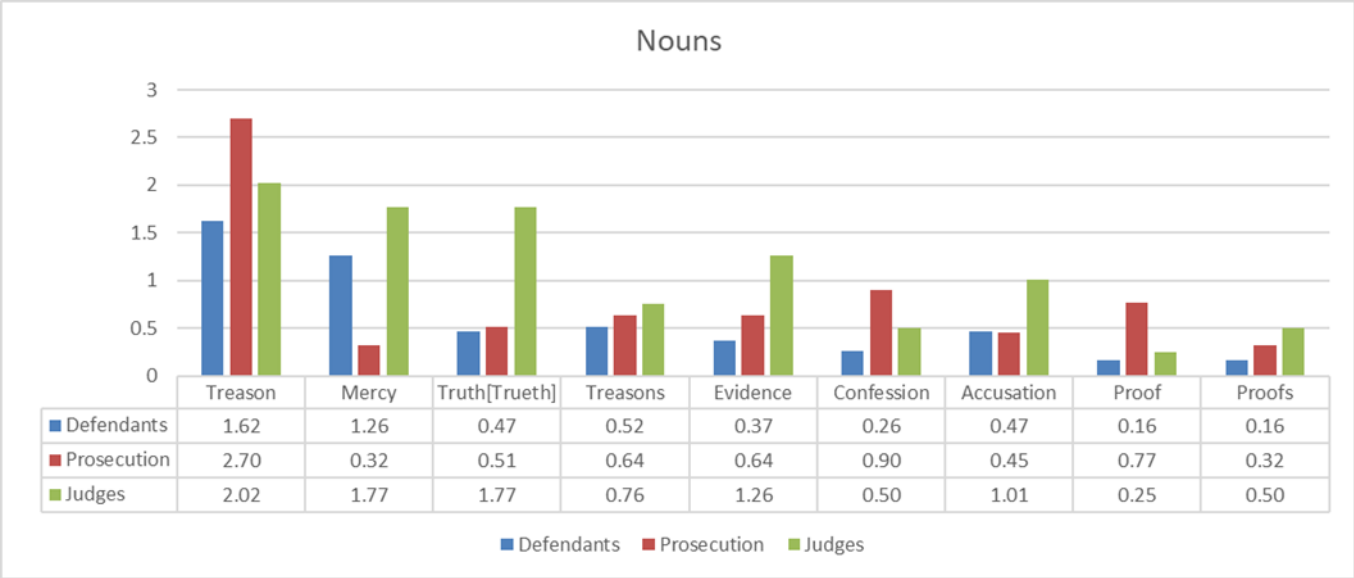


Figure 24: Normalised frequencies of nouns co-occurring in the trials distributed according to the three speaker groups



	Treason	Mercy	Truth[Trueth]	Treasons	Evidence	Confession	Accusation	Proof	Proofs
Defendants	1.62	1.26	0.47	0.52	0.37	0.26	0.47	0.16	0.16
Prosecution	2.70	0.32	0.51	0.64	0.64	0.90	0.45	0.77	0.32
Judges	2.02	1.77	1.77	0.76	1.26	0.50	1.01	0.25	0.50

Figure *24* shows that *treason* is used most frequently in all three speaker groups, whereas with the exception of *proof* and *confession*, all other nouns have the highest attested frequency in the group of judges. Judges use *proofs* (0.50) either to reprimand defendants or to give them legal advice (see Section *proofs*). It appears that judges prefer the plural form *proofs* in order to present themselves as chair of the trial. The reason for this is probably that the plural form stands for a general rule of law rather than a specific example in a trial and is closely related to one of the main tasks of judges, to guide and support defendants through the trial by giving legal and moral advice.

8.1. The various functions of nouns co-occurring in trials

Treason

Treason can broadly be defined as an "action of betraying" (*treason*, *OED*, n.) or in a legal sense of *high treason*[36].The data for the study include 7 high treason trials, 2 murder cases, and 1 case of misdemeanour for *libel*. The higher number of high treason cases is reflected in the frequency of the noun *treason* (see Table 21). Table 21 presents the normalised frequencies of *treason* as used by the three speaker groups.

Table 21: Normalised frequencies (per 1,000 words) of *treason* used by defendants, prosecution, and judges

Normalised frequency per 1,000 words			
	Defendants	**Prosecution**	**Judges**
Treason	1.62	2.70	2.02

[36] *Treason* is defined as a "violation by a subject of his allegiance to his sovereign or to the state […] compassing or imagining the king's death" (*treason*, *OED*, n.).

Table 21 shows that the noun is predominately used by members of the prosecution. This is not surprising, as the term *treason* encompasses various definitions that often resulted in discussions between the trial participants during trials. These numerous definitions of *treason* are often part of the defendants' statements. However, in the *Trial of William Parry* (1585) the defendant uses the noun to threaten the positive face of the court when he explains his crimes as follows: "*Yea, I haue committed many treasons, for I haue committed treason in being reconciled, and treason in taking absolution. There hath bene no Treason sithens the first yeere of the Queenes reigne touching religion, but that I am guiltie of (except for receiuing of Agnus Dei, and perswading as I haue said:) And yet neuer intended to kil Queene Elizabeth."* Parry's use of the noun *treason* initially corresponds to his preassigned role as defendant when he confesses to *treason* (the offence). During his speech, however, he uses *treason* to express his practice of the Catholic faith. The defendant's role becomes dynamic and challenges the court's institutional power by using bald-on-record verbal behaviour. In this period, it was dangerous to practice the Catholic faith openly and rather foolish to make such a statement in court. The noun is used here as a rhetorical weapon to damage the positive face of the judges and the court. By using the noun in this way, he also indirectly accuses the court and eventually the Queen of preventing him from exercising his faith, and, finally, he accuses the court/Queen of committing *treason* against the Catholic faith. Parry here not only negotiates his role as the defendant, but through his verbal interaction he changes into the role of the prosecutor. At the same time, he also denies that he ever intended to kill the Queen and to commit *high treason*. This example shows that the noun *treason* is used very powerfully here.

To fully understand the defendant's testimony, it is crucial to know that, firstly, Parry has already confessed his crimes and later recanted his confession; secondly, he states that his confession was coerced by the threat of torture; thirdly, he denies any intention to kill the Queen. Although Parry considers himself guilty for various offences, he recants his earlier *confession*. The Parry case is a perfect example for exploring the background of a high treason trial. Despite Parry's actions, it seems to be historically proven that Parry acted as an *agent provocateur* for the British government and was eventually sacrificed for political reasons[37].

[37] Brooks (1947: 240) suggests that the real reason for Parry's conviction was due to a political conflict between Walsingham and extremists on the one side, and a moderate party with Burghley on the other side.

The following example presents the use of *treason* in its traditional sense, namely the offence. In the *Trial of the Earls of Essex and Southampton* (1601), the prosecutor Sir Edward Coke states follows: *"May it please your Grace, the Lords Chief Judges, which are the Fathers of the Law, do know, that the Thought of Treason to the Prince, by the Law is Death; and he that is guilty of Rebellion, is guilty of an Intent (by the Laws of the Land) to seek the Destruction of the Prince, and so adjudged Treason:[…]".* In his statement, Coke refers to the concept of *compassing* or *imagining treason*, which is based on the Statute of Treason by Edward III (1352)[38] that makes the very idea of *treason* an actual treasonable act and has led to numerous charges of *imagining treason*. In this context, Coke attempts to link the concept of *imagining treason* to the real event of a rebellion against the Queen led by Essex and his co-conspirators. Due to the formality of the courtroom, Coke begins his turn with the default and socially expected phrase *"may it please"* to address the Lord High Stuart and the judges. He uses similar socially expected terms of address, when he addresses the individual trial participants as *"your Grace"* and *"Lords Chief Judges"*. *Treason* as a legal offence is used here according to the asymmetrical power structures of the courtroom, for it is used by the prosecution to confirm its dangerousness to the realm and therefore legalises the aim of severely punishing defendants accused of treasonable acts. In this example, Coke presents his legal knowledge to the court, namely his superiors the Lord High Stuart and the judges. However, by simultaneously invoking his superiors as the *Fathers of the Law*, his appeal to them confirms his weaker position compared to judges during the trial and ultimately to his preassigned role as prosecutor. These examples show the various ways in which the noun *treason* was used differently either to challenge the power structure of the court and the institutional roles of participants or to confirm them.

Mercy

The noun *mercy* in the sense of a pardon at sentencing is used frequently (0.93) in EModE trials (see Table 22). The data show that defendants, with a normalised frequency of 1.26, frequently use the noun *mercy*, by asking the King/Queen for *mercy*, for example. In contrast, *mercy* is infrequently attested for members of the prosecution (0.32). When examining how frequently *mercy* occurs in the group of judges, it is noticeable that the noun has the highest attestation with a normalised frequency of 1.77. This is due to the formulaic nature of the noun and the specific legal language used in trial proceedings. While *mercy* was part of the formulaic phrase *"And the Lord have Mercy upon you [your soul]"* spoken by judges during

[38] For further explanation of the various forms of *treason*: (see Bellamy, 1979: 9; Cunningham, 1992: 328).

the sentencing (see for example *The Trial of Robert Carr* 1616), defendants also asked for pardon with fixed legal phrase.

Table 22: Normalised frequencies (per 1,000 words) of *mercy* used by defendants, prosecution, and judges

Normalised frequency per 1,000 words			
	Defendants	**Prosecution**	**Judges**
Mercy	1.26	0.32	1.77

In another example, the noun *mercy* is used according to the asymmetrical power position of the historical courtroom, however, in this case the linguistic behaviour during the trial had no influence on the final outcome of the trial and the fate of the defendant. When the Clerk of the Crown, Mr. Fenshaw, asks Lady Frances Countess of Somerset (cf. *Trial of Lady Frances Countess of Somerset* 1616) what she can say in her favour to avoid the death penalty, the defendant makes a similar request: *"I can much aggravate, but nothing extenuate my Fault; I desire Mercy, and that the Lords will intercede for me to the King."* Lady Frances, the only female defendant in the trials of the first two subperiods, is of particular importance. Unlike her husband Robert Carr, she pleads guilty to the poison murder of Sir Thomas Overbury. Although she publicly repents her crime, she prefaces her turn with the linguistic feature of hedging, referring to her murder charge as *fault* rather than crime. In the second part of her plea, she asks her social peers and the judges to ask the King to pardon her and addresses the court (the jurors) as *the Lords*, which is a socially accepted form according to Watts et. al (1992).

Lady Frances uses the phrase *"I desire Mercy"*, which, according to Brown and Levinson (1987), is a threat to her negative face-wants, thus combining the noun *mercy* to a request. The use of the noun *mercy* in this institutional setting and in that particular phrase reflects the asymmetrical power position of the EModE courtroom, where the powerless defendant pleads for life, thus supporting the positive face of the judge and the court. In contrast, Lady Frances' trial reflects an almost familial non-formal and business-like environment in which the prosecutor and the judge show her sympathy and cooperation (Brown and Levinson 1987: 123; 128)

According to the physical description of Lady Frances in the court records and by the prosecutors and judges, she appears physically fragile and full of remorse. Unlike most other defendants, Lady Frances not only presents herself as powerless according to her preassigned role, but also emphasises herself as a weak woman following the general perception of

women in the EModE period (see Appendix Chapter 10). When examining the linguistic aspect of the trial, it becomes evident that Lady Frances uses hedging and the threat to her negative face to present herself to the court in a certain way. In her trial, she never threatens the institutional power of the court or negotiates her role as a defendant. Yet she is one of the few defendants who have been pardoned, in her case not long after the verdict. It is obvious that her linguistic behaviour alone was not the reason for this outcome, but rather the historical and political contexts of the trial that made this result possible. According to various sources, it was never the intention of James I to execute either Lady Frances nor her husband, rather the King tried everything to avoid a criminal trial due to his own questionable position in this case.[39] The social status of both defendants were also of great importance in that case, because four other defendants[40], who were also linked to the murder but belonged to lower social classes and had no personal relations with the King, were found guilty and executed (see Somerset, 1998).

In the *Trial of Dr. Bastwicke, Mr. Burton, and Mr. Prynne*, held in the Star Chamber in 1638, the Lord Keeper, Sir Henry Montague, gives advice to the defendant Henry Burton, a Minister of Religion, accused of libel. Before the trial began, the defendant answered various questions about his charge, which were later deemed impertinent by the court. In an earlier turn, the defendant accuses the judges of erasing parts of his statements and only reciting certain passages favourable to the prosecution. The judge responds to Burton's accusation with the following instructions:

Lord Keeper: This is a place where you should crave mercy and favour, Mr. Burton, and not stand upon such termes as you doe.

Mr. Burton: There wherein I have offended through humane frailty, I crave of God and Man pardon: And I pray God, that in your Sentence, you may so Censure us, that you may not sinne against the Lord.

Lord Keeper Montague introduces his remark by referring to the courtroom as a place for *"cra[ving] mercy and favour"* and not for any appeals. Montague's advice to Henry Burton is rather a bald-on-record reprimand than a legal or moral advice. The judge evokes here his

[39] Cf. A letter between Sir Francis Bacon and to King James from April 28, 1616, quoted in Amos, A (1846). Great Oyer of Poisoning.
[40] Franklin, Weston, Turner and Elwaies.

institutional superior power position in the courtroom, whereas the defendant, according to the judge, should be humble and ask for *mercy*. The judge emphasises so the powerless role of a defendant using the noun *mercy* in a sense in which it stands for a place where justice can only be achieved by pleading for life. *Mercy* reflects the institutional environment with an asymmetrical power system. On the whole, Burton, the defendant, threatens the positive face of the court by accusing the court of using very questionable methods to administer justice and interfere with the presentation of evidence. In doing so, the defendant shifts his preassigned role through the interaction with the judge. However, the defendant's perception of the Star Chamber's practice of law was accurate. Many trials conducted in the Star Chamber, in particular between 1620 and 1640, were later seen as legally unethical at best and unlawful at worst (Veerapen, 2014).

In his response he asks *"God and Man"* (God and the jury) for *mercy* for his alleged crimes combining the verb *crave* with the noun *pardon* (*mercy*). The defendant changes his static role as a powerless defendant so that it becomes dynamic, transforming it into a very powerful position in the courtroom. He also uses the phrase *"I pray God"*, which expresses his wish to God but ultimately also to the judges that their judgement *"may not sinne against the Lord"*. Although Burton's request begins with a negative politeness strategy involving an act of deference, it transforms into a moral appeal to the judges. The defendant goes from being a rather powerless trial participant to a powerful preacher who warns the judges not to become sinners by passing an unjust sentence. He thus threatens the positive institutional face of the judges and with it the power and authority in the courtroom. The noun *mercy* [pardon] is used again to negotiate a more powerful position during trial in a verbal interaction.

Truth [Trueth]

The noun *truth [trueth]* is most frequently attested in the group of judges (1.77), it occurs less frequently among members of the prosecution (0.51), and defendants (0.47). The noun *truth* is used quite differently by the three speaker groups, from counsel to confession. Judges are particularly concerned with *truth* in the sense of a "true statement, report or account which is in accordance with fact or reality" (cf. *truth, OED*; n).

Table 23 presents the normalised frequencies of the three speaker groups.

Table 23: Normalised frequencies (per 1,000 words) of *truth/trueth* as used by defendants, prosecution, and judges

Normalised frequency per 1,000 words			
	Defendants	**Prosecution**	**Judges**
Truth [Trueth]	0.47	0.51	1.77

It is interesting that judges, who held the highest institutional authority and thus the most powerful position in the courtroom during trials, also transformed the role preassigned to them into that of a prosecutor, whose position in the court was in principle less powerful, but much more dynamic. When Judge Henry Hundsdon acted in this way, he used the noun *truth* as follows when addressing the defendant in the *Trial of William Parry* (1585):

> Judge Henry Hundsdon: diddest thou not confesse, that when thou diddest vtter this practise of trecherie to her Maiestie, that thou diddest couer it with al the skill thou haddest, and that it was done by thee, rather to get credite and accesse thereby, then for any regard thou haddest of her person? but in trueth thou diddest it, that thereby thou mightest haue better oportunitie to performe thy wicked enterprise.

When it is the judge's turn, he asks Parry several rhetorical questions accusing him of *treason* and publicly threatening the defendant's positive face. Here, the judge uses his institutional power as the chair of the trial. Hundsdon enumerates Parry's crime, beginning with his confession, in which the defendant explains how he concealed his treasonous acts. Finally, the judge concludes that Parry did not conceal his actions out of respect for the Queen (*but in trueth thou diddest it)*. Hundsdon's conclusion is introduced with *but* in its function as a contrastive discourse marker and is connected to the noun *trueth* to emphasise that the following utterance is reliable and *true* in contrast to Parry's utterance. The judge uses the noun *truth* here to attack the positive face of the defendant, namely the claim that Parry lied about his actions (*truth* vs. lie). Moreover, Hundsdon shifts his role into that of a prosecutor seeking to convict the defendant, whereas his original institutional role as a judge would have been to guide the defendant. Furthermore, he offends the defendant by addressing him as *thou*, a pronoun used to insult others except for its formulaic use. Such attacks on the defendant's positive face were much more common among prosecutors than judges during trials. The result was a further weakening of the defendant's preassigned role. Hundsdon concludes his argument by stating that Parry had the opportunity *"to performe thy wicked enterprise"*. The judge left no room for doubt that Parry is guilty of his actions. He further

insults him by using the adjective *wicked* in combination with the marked pronoun *thou*. Here again, the defendant's institutional weak role is mitigated by the intuitional power of the judge, who acts as the prosecutor.

According to historical sources, the judge was annoyed by the course of the trial and the defendant's behaviour during the trial: at first Parry confessed to his crimes, but later he changed his testimony and recanted.

In contrast, defendants use *truth* usually in the sense of declaring the facts about their actions. For example, in the *Trial of Robert Hickford* (1571), the defendant declares as follows *"Therefore I shall declare the Truth of my Doing, and upon that further open unto you at large my Dealing in the Matters contain'd in the Indictment."* At the *Trial of Anthony Babington et al.* (1586), the defendant Chidiock Titchburne [Tichborne] confesses his guilt as follows: *"I will confess a Truth, and then I must confess that I am Guilty."* Both examples show that *truth* is used here to explain their actions in the terms of a testimony and to confess their guilt.

At the *Trial of Sir Walter Raleigh* (1603) the Attorney General, Sir Edward Coke, addresses the court as follows regarding the *confession* of a witness: *"my Lords, he could be at no rest with himself, nor quiet in his thoughts, until he was eased of that heavy Weight: out of which Passion of his Mind, and Discharge of his Duty to his Prince, and his Conscience to God, taking it upon his Salvation that he wrote nothing but the Truth, with his own Hands he wrote this Letter*. In his institutional role as member of the prosecution, he chooses the socially expected and politic form of address (Watts et al. 1992) *my Lords* to address the court before elaborating on his statement. He then eloquently explains to the court how the witness Cobham struggled with his conscience and guilt until he finally wrote a letter telling the *truth* about what he had done. Coke emphasises that the witness did this to ease his conscience before God and out of a sense of duty to the monarch. Here the Attorney General uses the religious concept of *confession* and redemption by a higher power and links this to the duty of a subject to a King. The prosecutor shows compassion and sympathy for the witness, whereas in the previous turns he attacks the defendants without *mercy*. Coke uses the noun *truth* to emphasise that the witness's testimony is true due to the connection with his attempt at redemption. Coke constantly repeats during the trial that it was the defendant's fault that the witness is in this situation. Therefore, he uses his authority and power to elevate the

institutional role of the witness, who was also rather powerless, with the noun *truth*, and especially with the phrase *"with his own Hands"*. This means not only that the witness confessed voluntarily and out of a sense of duty, but also that one's *own hand*, which in the perception of that time signified an extension of a person's mind and will, was actually telling the *truth*. The noun *truth* functions in this utterance as an effective means of underlining the credibility of the statement. The preassigned role of the witness is negotiated into a more powerful position via the verbal interactions of the prosecutor with the court. This is one of the few examples where someone positively shifts the institutional role for another trial participant. A similar act of negotiation and compassion on the part of the prosecution and the judge is found in the *Trial of Lady Frances of Somerset (1616)*.

Overall, the use of the noun *truth* indicates a tendency to tell and confess the *truth*. This is particularly evident when *truth* is used by defendants, whereas judges prefer *truth* to give legal advice to defendants, for example. However, as explained above, judges sometimes changed their role from presiding over a trial to prosecuting a defendant. In this case, the offenders had usually angered the court by their behaviour or actions. Consequently, judges often threatened the positive face of defendants with the aim of securing a conviction while demonstrating their institutional authority and superior power positions in the EModE courtroom.

Treasons

The plural noun *treasons* refers primarily to various treasonable offences comprised under the term *treasons*, namely high treason in the sense of "compassing or imagining the king's death" (*treason*, *OED*, n.). As mentioned before, the definition of *treason* in the EModE period is broad and included various forms of the offence. As a result, defendants constantly tried to discuss whether their actions were actually treasonable or not. This led to legal advice of judges as chair of the trial and to the highest normalised frequency of *treasons* (0.76) compared to the use by defendants (0.52) and members of the prosecution (0.64). The latter preferred the noun to emphasise the guilt of the defendant. Table 24 presents the frequencies of *treasons* in the three speaker groups.

Table 24: Normalised frequencies (per 1,000 words) of *treasons* as used by defendants, prosecution, and judges

Normalised frequency per 1,000 words			
	Defendants	**Prosecution**	**Judges**

Treasons	0.52	0.64	0.76

In the *Trial of William Parry* (1585), Judge Hundsdon threatens the positive face of the defendant when he argues as follows: *"This is but thy popish pride and ostentation, which thou wouldest haue to be told to thy fellowes of that faction, to make them belieue that thou diest for poperie, when thou diest for most horrible and dangerous treasons against her Maiestie, and thy whole countrey."* In analysing this statement, Judge Hundsdon uses his institutional power as presiding judge of the trial to threaten the positive face of the defendant Parry. Firstly, he uses the marked pronoun *thou* instead of *you* to address him, which means that he not only insults the defendant but also denies him, as a less powerful trial participant, the appropriate form of address in a formal setting (the courtroom). In doing so, he deprives the offender of the opportunity to negotiate his preassigned role by interacting with him; secondly, he accuses Parry of deceiving his followers into believing that he is being tried as a Catholic martyr and not because of the crimes he has committed. In this situation, the accuser attacks Parry's positive face by calling him prideful in the way that he refers to him of being pride (*thy popish pride*), which at that time was a cardinal sin in terms of the Catholic faith, and by using the term popish, which has a negative connotation. The combination of *thy + popish + pride* can be analysed as a bald-on-record impoliteness aiming at insulting Parry or mocking Parry as a defendant and as a devout Catholic. This offence is repeated in the phrase *thy fellowes of that faction*, which refers to the defendant's co-conspirators as both traitors and Catholics. The judge has already changed his preassigned role from judge to prosecutor, making his role and verbal interactions with the defendant more dynamic. With the change through the interaction with Parry, the judge is now able to act verbally similar to a prosecutor, allowing him to attack the positive face of the defendant by insulting him. This makes the already asymmetrical power position of the accused in the trial even more helpless, whereas the judge/prosecutor increases his institutional power. Moreover, he indirectly threatens the defendant by telling him that he will die for *"for most horrible and dangerous treasons"*. In doing so, he takes away the defendant's sentence even before a verdict has been reached and reverts to his originally preassigned role as judge, resulting in an absolute loss of power for the defendant, namely being pre-convicted. The plural noun *treasons* used at the end of Hundsdon's statement shows that the judge accuses him of multiply treasonous acts, making the offence *treason* stronger and even more powerful than the "simple" charge of high *treason*. The noun here has the role of multiplying the guilt and hopelessness of the

defendant's situation in the unfamiliar, formal institutional environment of the EModE court proceedings.

A similar attack on the positive face of a defendant occurred when Judge Lord Robert Cecil, in the *Trial of Sir Walter Raleigh* (1603), phrased the question as follows: "*Let me ask you this, If my Lord Cobham will say you were the only Instigator of him to proceed in the Treasons, dare you put your self on this?"* Cecil prefaces his question with the phrase *"Let me ask you this"*, a request with negative politeness that is an imposition. The judge's intrusive question is clear evidence of his institutional power as a judge in this trial and of the powerless position of the defendant. Due to the written form of the court trial, it is impossible to say anything about the intonation of the question, namely how the judge asks the question. However, the phrase *"dare you put your self on this?*, which includes the paraphrased question "are you audacious to contradict the witness's statements" may suggest that Cecil was trying to unsettle Raleigh in relation to his earlier statements. He argues that the witness Cobham accused Raleigh of being the only one who had continued the *treasons*, whereas all other co-defendants had already acknowledged their atrocities.

Cecil's attack on the positive face of Raleigh is constructed through the use of the verb *dare*, which is a verbal challenge to negotiate and dominate the verbal interaction, he shifts into the role of a prosecutor who seeks to elicit information from the defendant and find him guilty of multiple acts of *treasons*. The noun *treasons* is at the centre of the accusation here, not only as a criminal offence, but rather to make the defendant less powerful than his originally preassigned role is. The use of the socially accepted pronoun *you*, appropriate to the formal setting of the courtroom, does not alter the fact that the noun is used in his plural form to denote the multiple crimes and to threaten his positive face before the court.

The various uses of *treasons* depend on the group of speakers. Judges with the highest attestation for *treasons* either give legal advice or act similarly to members of the prosecution. In this case, they try to prove the guilt of the offender, by dynamically shaping their assigned role through the interaction with the defendant.

Evidence

Evidence is one of the most important foundations on which any trial is based. *Evidence* defined as "information, tending or used to establish facts in a legal investigation" (cf.

evidence, OED; n) is usually provided by witnesses, the prosecution, and defendants. The noun *evidence* has the highest attestation for judges (1.26) (Table 25) who instruct other trial participants or conduct the trial by allowing the different groups of speakers to take their turns: *"Sir Walter Raleigh […] when the King's Counsel have given the Evidence wholly, you shall answer every Particular."* (*Trial of Sir Walter Raleigh* 1603).

Table 25: Normalised frequencies (per 1,000 words) of *evidence* as used by defendants, prosecution, and judges

Normalised frequency per 1,000 words			
	Defendants	**Prosecution**	**Judges**
Evidence	0.37	0.64	1.26

In the following example, Lord Thomas Egerton, in his role as Lord High Steward in the *Trial of Robert Carr Earl of Somerset*, gives legal advice to the jury in 1616: "*Now for you, my Lords the Peers, you are to give diligent Attention to that which shall be said; and you must not rest alone upon one piece of Evidence, but ground your Judgment upon the whole."* With the socially appropriate form of address, Egerton introduces his instruction with the phrase *"Now for you"* to catch the attention of the jury and to emphasise that the advice that follows applies exclusively to the jurors. Although he reminds them of their preassigned roles as *Peers* in the trial and of their task to follow the proceedings closely, which is a threat to their positive face, he also affirms their powerful and responsible role in the trial. He points out that they have the power to pass a final verdict on the life or death of the defendant.

Therefore, their decisions have be based on multiple pieces of *evidence* presented during the trial (*"ground your Judgment upon the whole"*). The Lord High Stuart who presides over all judges in the courtroom and thus has the highest institutional power and authority emphasises the importance of the jurors. By stressing their task, he gives them more institutional power. The noun *evidence* is central to his statement, implying that *evidence* in the form of legal or physical proof must be considered as a whole, as it determines the verdict. However, this advice can also be problematic, especially when a single piece of *evidence* speaks for the defendant, whereas the others do not. *Evidence* is central to any trial and can positively or negatively alter an accused's position of power.

Confession

Confession is defined as the "acknowledgement before the proper authority of the truth of a statement or charge" (cf. *confession*, *OED*, n.) and "the acknowledgement by a culprit of the

offence charged against him, when he is asked to plead to the indictment" (cf. *confession, OED*, n.). The noun has the highest normalised frequency among members of the prosecution (0.90), which can be explained by the fact that prosecutors have the task of proving the defendant's guilt. Consequently, they use testimonies and *confessions* of witnesses, for example, to persuade perpetrators to confess.

Table 26: Normalised frequencies (per 1,000 words) of confession as used by defendants, prosecution, and judges

Normalised frequency per 1,000 words			
	Defendants	**Prosecution**	**Judges**
Confession	0.26	0.90	0.50

Judges use the noun *confession* to give legal advice to defendants, such as in the *Trial of Robert Hickford* (1571), in which Judge Sir Robert Catlin instructs Robert Hickford as follows: *"If you will yet wave and forsake your Confession, we are content to admit you to do so, and you may yet plead Not Guilty, and you shall have your Trial."* Judge Catlin explains the legal proceedings regarding pleading to the defendant. In general, defendants have the opportunity to plead guilty after the indictment has been read. In this case, a trial is not necessary and the verdict follows. If a defendant enters a plea before or during the trial, even though the offender pleaded initially not guilty, the trial ends and the verdict follows. But it is also possible for a defendant to recant an earlier *confession*, in which case a trial follows. When Judge Catlin explains the legal rules to Hickford, he uses the phrase *forsake your Confession*. The connotation of *forsake* is rather negative, as the verb *forsaken* is closely connected to the phrase *"forsake your hope"*. However, Catlin emphasises in the following that the judges and the jury ask him to do so if he was sure of his innocence: *"you may yet plead Not Guilty"*. Cole addresses the defendant as *you* + the modal verb *may* and the contrastive discourse marker *yet* to stress that the defendant may plead not guilty. In the EModE period, judges and members of the prosecution usually advised defendants to plead not guilty and to stand trial, because high treason trials had the purpose of publicly demonstrating that any kind of treacherous acts would be punished without *mercy*. Allowing defendants to stand trial was a way to condemning their crimes publicly.

The noun *confession* has the lowest frequency among defendants, probably due to their less powerful role during trials. However, occasionally, defendants infuriate judges by their behaviour using the own words of judges or members of prosecution against themselves. In

such cases, offenders want usually to demonstrate the court that they were treated badly or coerced into confessing. One such example is found in the *Trial of William Parry* (1585), when the defendant accuses Sir Christopher Hatton, the Vice-Chamberlain, and Judge Henry Hundsdon of having previously forced into a confession. "*Ah your honours knowe, howe my Confession vpon myne examination was extorted. You sayde, that you would proceede with rigour against me, if I would not confesse it of my selfe."* The defendant introduces his accusation with the exclamation *Ah*, followed by the honorific *your honours* + the verb *knowe* to catch the attention of Hatton and Hundsdon when he addresses them. Parry makes it clear that he believes that both judges are aware of such rude measures to obtain a *confession*. To emphasise this fact, he uses the verb *extorted*, which connotes sheer force, namely torture. Furthermore, the defendant explicitly accuses Hatton and Hundsdon of saying that they *would proceede with rigour* if he did not make a *confession*. Parry's accusation against a judge and the Vice-Chamberlain is not linguistically hedged and threatens publicly the face of both addressees.

In addition to presenting the case, referring to someone's testimony, and using testimonies during the task to prove the defendant's guilt, the noun *confession* can also have a very different meaning. In the *Trial of Thomas Howard Duke of Norfolk* (1572), the prosecutor Nicholas Barham, Queen's Sergeant and member of the prosecution counsel, accuses the defendant of *treason* as follows: "*Thus, contrary to your Oath, Allegiance, and Fidelity, and against the Credit that you would fain be thought of, you became, by your own Confession, a Counsellor to a foreign Prince against your own Sovereign Lady."* Barham begins his argument by using *thus* to introduce the results of his evidence against the defendant. He then contrasts the positively connoted nouns *Oath, Allegiance, and Fidelity*, signifying loyalty to the Crown and realm, with *confession* in the sense of an admission of guilt. *Confession* in this context denotes neither "the truth of a statement or charge" (cf. *confession*, *OED*, n.) nor an acknowledged *confession* to the charge, but a betrayal of the Queen. However, in a later turn, Norfolk calls these confessed facts *"inferior Faults, which I have confess'd, among the greater wherewith I am charg'd"*. In this context, the defendant emphasises that he did not commit *treason*, although he did advise the Spanish King. However, as already shown, in the EModE period the definition of *treason* was very broad, conferring with foreign monarchs was definitely regarded as a treasonable act. It appears that *confession* occasionally had a further connotation in addition to its general meaning to confirming a statement or admitting guilt, which can only be recognised when the context of the utterance is examined.

Accusation

The noun *accusation* occurs with similar frequency among defendants (0.47) and members of the prosecution (0.45), whereas judges have the highest frequency with 1.01. This is an interesting result as it seems that judges use *accusation* more often in trials than generally anticipated.

Table 27: Occurrences and normalised frequencies (per 1,000 words) of accusation as used by defendants, prosecution, and judges

Normalised frequency per 1,000 words			
	Defendants	**Prosecution**	**Judges**
Accusation	9 (0.47)	7 (0.45)	4 (1.01)

Judges uses the noun *accusation* to instruct or reprimand defendants. For example, in the *Trial of Sir Walter Raleigh* (1603) the Lord Chief Justice, Sir John Popham, lectures Raleigh when they discuss the importance of *evidence* during the trial. Raleigh wants that the witness Cobham repeats his accusation against him by testifying before court. However, the judge refuses this request and tells him that he must defend himself against the accusation: "*That is not the Rigour of the Law, but the Justice of the Law; else when a Man hath made a plain Accusation, by Practice he might be brought to retract it again."*. Popham stresses that it is an equitable rule of law and not a harsh one, as the defendant argues, purely because it does not support the view of Raleigh.

As mentioned earlier, defendants had several defence tactics to improve their roles in the trial, such as questioning the testimony of co-conspirators or accusing other defendants and witnesses of making false statements. In the *Trial of Sir Walter Raleigh* (1603), the defendant uses the noun *accusation* as follows: "*The Lord Cobham hath accused me, you see in what manner he hath forsworn it. Were it not for his Accusation, all this were nothing"*. Raleigh states that the *accusations* of the witness Cobham are fundamentally responsible for his allegation as a *traitor*. Furthermore, the defendant emphasises that the entire charge is based on Cobham's *accusation*. The noun *accusation* becomes the centre of the argument due to its importance for the defendant. Raleigh points out this particular circumstance by addressing the court with the phrase *"you see in what manner he hath forsworn it"*. With the verb *forsworn*, Raleigh tries to emphasise that the witness has already recanted his testimony, consequently, his earlier *accusation* can no longer be used against him. In his statement, the

defendant uses the noun (*accusation*) and the verb (*accuse*) to blame Cobham for his actions and at the same time to emphasise his innocence to the court.

In theory, it was the task of the King's or Queen's counsel to prove that the allegations against the defendant were based on hard evidence and were true. In reality, the standards of what kind of *evidence* was admissible for a trial and what was hearsay, for example, differed from those of todays. However, in many cases judges and members of the prosecution tried to fulfil their duties to the best of their ability. Occasionally, members of the prosecution made allegations for which there was no *evidence*, such as the Attorney General Sir Edward in the *Trial of Sir Walter Raleigh* (1603): *"Now I come to prove the Circumstances of the Accusation to be true. Cobham confessed he had a Pass-port to travel, hereby intending to present Overtures to the Arch-Duke, and from thence to go to Spain, and there to have conference with the King for Money."* In his argument, Coke unfolds the case before the court by emphasising to *"prove the Circumstances of the Accusation to be true"*. Coke uses the verb *prove* to attract the court's attention and to indicate that crucial information about the case will follow. Although the prosecutor emphasises that he will show the true circumstances of the charge, he does not give verified evidence, but refers to the, probably unproven, allegations of an absent witness. The noun *accusation*, in the sense of a charge, is the core element of the utterance, but Coke's eloquent speech presents no hard evidence for his theory, only a summary of Cobham's testimony.

Another definition of the noun *accusation* is attested in the *Trial of Robert Carr Earl of Somerset* (1616), a murder case, when the prosecutor Sir Henry Montague equates indictment with a written *accusation*: *"The Indictment hath been found by Men of good Quality, seventeen Knights and Esquires of the best Rank and Reputation, some of whose Names I will be bold to read unto you; Sir Thomas Fowler, Sir William Slingsby, and fifteen more; these have return'd billa vera. Now an Indictment is but an Accusation of Record in Form thus: […]."* In his statement, the prosecutor explains to the defendant that according to his legal opinion the indictment is not only the written version of a charge, but its creation, because the document is drawn up by *Men of good Quality* and noble rank. The prosecutor emphasises that social rank is an indicator for honourable conduct. With his legal explanation, he links the courtroom proceedings to the social norms of the EModE society. From his point of view, social rank and reputation is the guarantee that the evidence presented, and therefore the charge, is legal. From today's perspective, the prosecution needs verifiable *evidence* before a

case can go to trial. Montague emphasises that an *accusation* in the form of a witness statement is sufficient *evidence* for a trial. It is important to note that the defendant also belonged to the social class of nobility. The outcome of the trial[41] due to the personal relationship of the defendant to the King indicates that social rank and status were of great importance in ordinary criminal cases, while treasonable acts threaten the Queen's/King's own position.

Proof

Providing *proof* is closely related to giving *evidence*, either through testimony or scientific *evidence*. In the EModE courtroom, *proof* (0.41) in the sense of *evidence* is predominantly used by members of the prosecution (0.77) when presenting the case in court. A typical example in this sense is found in the *Trial of Robert Earl of Somerset* (1616) when the prosecutor Ranulphe Crew addresses the court as follows: *"Next follows the Proof for surprizing Letters."* However, the meaning of the noun *proof* in the sense of presenting hard evidence is rare from today's legal perspective, the noun is more commonly used to make a reference to legal rules, to make a statement, or to show that *proof* cannot be produced. *Proof* has the lowest attestations (0.16) for defendants and is infrequently used by judges (0.25) when agreeing with a legal explanation presented by a colleague, for example, in the *Trial of Robert Earl of Somerset* 1616.

Table 28: Normalised frequencies (per 1,000 words) of proof as used by defendants, prosecution, and judges

Normalised frequency per 1,000 words			
	Defendants	**Prosecution**	**Judges**
Proof	0.16	0.77	0.25

Among judges, the noun *proof* occurs when rules of law need to be explained to other trial participants. In the *Trial of Robert Earl of Somerset* (1616), Judge Sir Edward Coke discusses evidence from a legal perspective. The discussion relates to the poisoning of Sir Thomas Overbury and the involvement of the defendant, Robert Carr. In this situation, the judge states that Carr is guilty if he "*procur'd or caus'd the Poisoning"*. He continues to declare that *"[…] the Law is clear in this Point, that the Proof must follow the Substance, not the Form."* Coke, in his official capacity as Lord Chief Justice of England, explains the law to the court, the defendant, and even to the presiding judge of the trial, the Lord High Steward Lord Thomas Egerton.

[41] The accused was found guilty, but was pardoned after a short time in prison and received most of his assets back.

As illustrated before, members of the prosecution transformed their institutional role into that of judges, for example,e when given legal advice to the jury. For example, in the *Trial of Robert Earl of Somerset* (1616), the prosecutor Henry Montague addresses the jurors regarding how they should consider the indictment compared to the ongoing trial proceedings when giving the judgement. *"And I will now conclude with two Desires to the Peers: First, That they will not expect visible Proofs in the Work of Darkness: The Second is, That whereas in an Indictment there be many things laid only for Form, you are not to look that the Proof should follow that, but only that which is substantial; and the Substance must be this, Whether my Lord of Somerset procur'd or caus'd the Poisoning of Sir Thomas Overbury, or no?"* Montague uses both the singular and plural forms of *proof* in his statement. *Proofs* is used figuratively when he informs the members of the jury that their task is not to find *visible Proofs in the Work of Darkness*. In this context he uses *proofs* in the sense of explanation or understanding and in the meaning that not any good reason can be found to explain the murder of Sir Thomas Overbury because it was committed by people of vile characters. In the second part of his utterance, the prosecutor instructs the jury not to consider certain *proof* in order to strengthen the charges in the indictment. In this context, he refers to the way they are generally presented in an indictment *"there be many things laid only for Form, you are not to look that the Proof should follow that"*. Montagues advises them to look at the whole picture of the crime. He uses the noun *substance* and the adjective *substantial* to emphasise what kind of *proof* is important and what not. The prosecutor's advice sounds downright unprofessional for today's understanding of *evidence*. Instead of considering all *evidence* before passing a verdict of no reasonable doubt, the EModE prosecutor is only interested in whether the defendant acquired the poison or was the cause of the victim's poisoning.

Defendants use *proof* by discussing legal rules or debating the *evidence* presented by judges and members of the prosecution. Occasionally, they challenge the prosecution in various ways during these debates. For example, in the *Trial of Sir Walter Raleigh* (1603), Raleigh addresses Judge Sir John Popham as follows: "*It may be an Error in me; and if those Laws be repeal'd, yet I hope the Equity of them remains still: but if you affirm it, it must be a Law to Posterity. The Proof of the Common Law is by Witness and Jury; let Cobham be here, let him speak it. Call my Accuser before my Face, and I have done."* The defendant hedges his statement when he speaks of a mistake he made in relation to the law: *"It may be an Error in me"*. However, he further states that despite the abolition of the rules, he believes in the

crucial legal principle of establishing guilt by sufficient *proof*. In this context, the defendant refers to the fundamental right to witnesses and a jury for a fair trial. While Raleigh tries to mitigate a potential threat to the judge's face, he negotiates his preassigned role as defendant into a more powerful role when he mocks Popham and expresses his hope that even if the rules are abolished, the justice they represent will remain. In this situation, he directly damages the judge's positive face. He uses the verb *affirm* to make it clear that if Popham supports these rules, they have to be in the future, otherwise he would not act as he does. Raleigh publicly attacks the judges' face and at the same time his institutional power and role as legal adviser and chair of the trial by accusing him of being unjust and unfair. Furthermore, the defendant demands that the witness Cobham should appear before the court to accuse him face to face: *"Call my Accuser before my Face"*. Raleigh's use of the noun *proof* is not restricted to a specific object or statement as *evidence*, but rather encompasses the general idea of legal *proof* indicated by a jury and witnesses to ensure a fair and objective trial.

As presented above, the noun *proof* has been in a variety of contexts that include legal advice, emphasising someone's opinion, or discussing rules of law. However, it is less frequent in its original sense of hard *evidence*, namely a reliable testimony or an object linked to a crime. The meaning of *proof* as "evidence determining the judgment of a tribunal" (cf. *proof, OED,* n) is more common in the plural form *proofs* than in the singular form. The following section shows the results of the analysis.

Proofs

In contrast to *proof*, *proofs* is predominantly used by all three speaker groups in the meaning of provable or proven *evidence*. However, the distribution of the noun shows that it is used most frequently by judges (0.50), less frequently by members of the prosecution (0.32), and infrequently by defendants (0.16). Furthermore, the contexts of the noun *proofs* also vary according to the speaker group, the aim to prove the defendant's guilt, the task to give legal advice, or the task to present the unfair legal position of offenders.

Table 29: Normalised frequencies (per 1,000 words) of proofs as used by defendants, prosecution, and judges

Normalised frequency per 1,000 words			
	Defendants	**Prosecution**	**Judges**
Proofs	0.16	0.32	0.50

In the *Trial of Sir Walter Raleigh* (1603), the Lord Chief Justice Sir John Popham gives the defendant legal advice using the noun *proofs*: "*You have offer'd Questions on diverse Statutes, all which mention two Accusers in case of Indictments: you have deceiv'd your self, for the Laws of 25 (^Edward^) III. and 5 (^Edward^) VI. are repeal'd. It sufficeth now if there be Proofs made either under Hand, or by Testimony of Witnesses, or by Oaths; it needs not the Subscription of the Party, so there be Hands of credible Men to testify the Examination."* Popham informs Raleigh that his claim that the prosecution needs two witnesses is based on obsolete rules of law. He tells him that it is sufficient for a witness, or in this case a prosecutor, to make his allegations either in writing, orally in front of a witness, or by swearing. Therefore, the Chief Justice refuses to allow the defendant to meet his accuser in person during the trial. He justifies his decision on the basis that the men who were present when the accuser was questioned are said to be *credible Men*. With this ruling, defendants were denied the opportunity to examine or question their opponents during the trial, a great disadvantage for the offender. Obviously, defendants did not have the same rights at trial as the prosecution. Defendants in EModE trials had the burden of proof to defend themselves, whereas witnesses had the advantage of testifying outside the courtroom without facing the defendant. A fact that made it much easier for them to accuse someone.

A similar argument was made by the defendant to Nicholas Barham the prosecutor in the *Trial of Thomas Howard Duke of Norfolk* (1572): *"It is of good ground that I have prayed to have the Bishop of Rosse brought to me in private Examination face to face, whereby I might have put him in remembrance of Truth; but I have not had him face to face, nor have been suffer'd to bring forth Witnesses, Proofs, and Arguments, as might have made for my Purgation."* The defendant introduces his argument by justifying his earlier request to question a witness in private (*"It is of good ground"*), although he does not provide any reasons for his request. He expresses his earlier demand by using the cluster *"I have prayed"* signifying negative politeness, namely an act of deference, towards the addressee. Moreover, he shows his motive for the private conversation by stating *"I might have put him in remembrance of Truth"*, which can be paraphrased as *I will accuse him of lying"* (*truth* vs. *lie*) and is a face-threatening act to the court. Norfolk further explains to the prosecutor that he has neither brought witnesses nor any kind of *proof* of his innocence (*"nor have been suffer'd to bring forth Witnesses, Proofs, and Arguments"*). The plural noun *proofs* is used in this situation in the sense of "evidence given and recorded in a particular case" (cf. *proof, OED*; n). Norfolk emphasises the fact that he does not need to prove his innocence by constantly

presenting *evidence*, as the prosecution does to testify to his guilt. He uses the verb *suffered* in the sense of not troubling or disrupting the court proceedings. He presents himself as socially and morally superior to the members of the prosecution by refraining from using such methods. When a defendant accuses a witness for the prosecution being a liar, he publicly threatens the positive face of the prosecutor and at the same time switches his own institutional role to the role of a prosecutor. Norfolk does this not only to make a legal point, but also to challenge the institutional power of the members of the prosecution, thus to attack their positive face.

In high treason trials, *proof* of guilt depended on the nature of *treason*, such as surprising or imagined, and on the type of *evidence* the court considered admissible. In the *Trial of the Earls of Essex and Southampton* (1601), the prosecutor Sir Edward Coke declares Essex's various treasonable acts as facts not requiring hard *evidence*: "*And my Lord did not any whit amuse himself to give order, that if he and his Complices should miscarry in London, then the Counsellors which he caused to be imprisoned in his House, should be slain. It was plain Treason in him to stand out, being by them charged to dissolve his Company upon his Allegiance. What shall I need to stand upon further Proofs?"* The prosecutor politely in the sense of politic (see Chapter 4.5.) refers to the Earl of Essex as *my Lord* when he argues that Essex gave orders to kill his hostages if the rebellion failed. Coke uses the phrase *"did not any whit amuse himself"*, which can be paraphrased as *"he was not displeased with himself"*, to emphasise Essex's indifference to the lives of his captives and therefore his cold and unworthy personality. Furthermore, he points out that such actions were *"plain Treason"*, in particular when he chooses his troops and hunger for power over his loyalty to the Queen: *"being by them charged to dissolve his Company upon his Allegiance"*. He contrasts the noun *company*, in the meaning of troops and co-traitors, with the noun *allegiance* in this context to emphasise that Essex has voluntarily and willingly betrayed the Queen's trust. The prosecutor continues with the rhetorical question *"What shall I need to stand upon further Proofs?"*, in the sense of "*what further evidence do you need for his crimes"*. The noun *proofs* in this context is meant to show that the defendant's guilt has already been established and therefore no further *proof*, in the sense of hard evidence, is necessary. It is in the nature of show trials to portray the defendant as negatively as possible so that the verdict is justified. By portraying Essex as a cold-hearted man who would give the order to kill his hostages without hesitation, Coke fulfils his preassigned role as prosecutor in a show trial. Consequently, it is much easier for the prosecution to justify not presenting hard evidence.

As illustrated above, *proofs*, in contrast to its singular form, occurs predominantly in the meaning of provable or proven evidence. While the singular form *proof* is mostly used in a figurative sense, *proofs* refers rather to the common definition of hard evidence, namely a statement or item that can be presented and used to confirm the guilt or innocence of a defendant in a trial. This distinction is found in all three speaker groups, although the normalised frequencies of each group differ to each other.

8.2. Summary

Overall, it can be seen that the nouns *treason*, *mercy*, *truth*, *treasons*, *evidence*, *confession*, *accusation*, *proof*, and *proofs* are used differently by defendants, members of the prosecution, and judges with regard to the legal procedures, the preassigned roles of the trial participants, the type of the trial, and occasionally also due to the higher social rank of the defendant. For example, in a statement by the defendant, the Duke of Norfolk (cf. *Trial of Thomas Howard Duke of Norfolk* 1572), he uses the noun *proof* in the sense of *belief* instead of provable *evidence*, implying that his opinion is superior to the actual *evidence*. Members of the prosecution usually use the nouns *proof* or *evidence* to unfold their cases before the court and the jury. It is interesting to note that *proof* is mostly used in a figurative sense by all three speaker groups, whereas *proofs* occurs more frequently in the meaning of hard *evidence*.

Mercy is usually used to ask for the King's or Queen's pardon. While most defendants use very respectful forms of address when using *mercy*, defendants from the nobility such as the Earl of Southampton (cf. *Trial of the Earls of Essex and Southampton* 1601) and despite their social ranks emphasise their powerless position in the courtroom as a form of defence tactic by using the common phrase *"I crave her Mercy"* to demonstrate their acceptance of being the Queen's subject when asking for pardon.

Judges, as chair of the trial, often give legal advice or instructions using nouns such as *truth*, *treasons*, *evidence*, *accusation* etc. to defendants, members of the prosecution, or jurors. When judges or members of the prosecution are angry with defendants, they also use nouns differently such as *truth*. For example, the prosecutor Hatton (cf. *Trial of William Parry* 1585) contrasts the lies of the defendant Parry with the proclaimed *truth* of the court (*truth* vs. *lie*). Furthermore, nouns such as *confession* or *treason* can have several different meanings. *Confession* can be defined as an acknowledgement of guilt or as verification of a statement,

but it is also found in the sense of betrayal of the monarch (cf. *Trial of Thomas Howard Duke of Norfolk* 1572). *Treason* possessed a wide range of definitions in the EModE period such as surprising or imagined *treason* (see Chapter 2.2.).

Occasionally, trial participants change their preassigned static role and transform their roles into a more powerful or switch into the role of a prosecutor or a judge. By making the negotiating of their roles a dynamic communication process, the established rules of the EModE courtroom become flexible and non-linguistic features gain importance. Parameters such as social rank, personal relationships, political reasons etc. have been integrated into a fixed system of legal rules and the microcosm of the historical courtroom receives features from the EModE society. Consequently, forms of address which are generally used to achieve politeness or impoliteness and such nouns presented in this chapter can acquire different meanings depending on the historical and political contexts of the individual trial.

9. Conclusion

The following chapter summaries and presents the results of the thesis, starting with a presentation of the methodology and data of the study. The main part of the section focuses on the findings of the analyses regarding the use of forms of address (*Sir*, *Lord*, etc.) and epithets (*traitor*, *fool*, etc.) which are generally used to achieve politeness or impoliteness in the historical courtroom. Furthermore, the results of the analyses regarding the asymmetrical power structures in the EModE courtroom are presented in connection with the preassigned roles of the three main groups of speakers, namely defendants, members of the prosecution counsel, and judges. The results of the analysis of the nouns typically used in high treason and ordinary criminal cases (*evidence*, *accusation*, *mercy*, etc.) are also summarised and placed in the context. The chapter concludes with a brief overview of the achievements of the novel approach of the thesis for future research.

9.1. Background and methodology

In the thesis, a historical sociopragmatic study was conducted with the aim to present a better understanding of the influence of non-linguistic features on (im)politeness strategies and word choice in high treason and ordinary criminal trials in the late Elizabethan and early Stuart periods. In particular, the present study investigated whether the use of forms of address such as *your Lordship*, of epithets such as *traitor* or *wretch*, of the two pronouns of the second person singular *you* and *thou*, and of nouns co-occurring in trial proceedings such as *accusation* or *mercy* was influenced by non-linguistic features as the social status of the participants in EModE society, the type of the trial (high treason as opposed to ordinary criminal cases), and the historical-political background of the individual trial. Moreover, the thesis examined the static preassigned roles as defendants, members of the prosecution, and judges. The struggle and negotiation between the institutional norms and the asymmetrical power structures of the courtroom developed due to ongoing communicative interactions during the trial. Therefore, the present study argued that linguistic features are not sufficient to explain the trial participants' language use, their (im)politeness strategies, and their choice of words as well as the fact that, despite the formal setting of the EModE courtroom with its strict judicial rules, the preassigned roles in the trial proceedings were much more negotiable than expected.

The interdisciplinary data-based study is situated at the intersection of several linguistic disciplines, including historical pragmatics, historical sociopragmatics, corpus linguistics,

(im)politeness research, whereas historical and political aspects were also taken into account. The thesis is therefore described as an example of historical corpus (socio)pragmatics. The empirical analysis is based on the extended version of the *Socio-Pragmatic Corpus* (*SPC)*, which is compiled from court records from the periods 1560-1599 and 1600-1639 for the aim of the thesis. It comprises 10 sociopragmatically annotated trials of 50,221 words, includes cases of high treason, murder, and libel, and provides information such as age, gender, social status, and rank of the speaker and the address. The source material includes the existing trial records from the first two trial sections of *A Corpus of English Dialogues 1560–1760* (*CED*) and new cases from published sources and contemporary manuscripts from the late 16th and early 17th centuries. In addition, existing studies from the fields of historical pragmatics, sociopragmatics, (im)politeness research, legal and social history, courtroom discourse as well as biographies and published correspondences of trial participants etc. were consulted for the thesis.

The data provided by the *SPC* were empirically analysed using frequency lists or concordance searches of the previously selected linguistic features (forms of address, epithets, pronouns, etc.). The results were placed in context of the individual trial and discursively analysed. Furthermore, the power positions and preassigned roles of defendants, members of the prosecution, and judges were examined and related to their social status outside the courtroom. Finally, information on the historical and political background of the individual trial and the participants in the form of letters, biographies, and statements by contemporaries was used to examine for example whether the use of language corresponded to the typical behaviour of trial participants and therefore to the sanctioned roles of members of the prosecution (verbal aggression), or whether the choice of words can be considered as a result of personal dislike, favouritism, professional ambitions, special characteristics of a person, or the fact that high treason trials were conducted as show trials with the sole purpose of presenting the guilt of the defendant.

9.2. Summary of the findings

Forms of address

The results of the empirical analysis of the data show that forms of address that were generally used to achieve politeness were used by all participants. However, the sociopragmatic analysis displays that some forms such as *your Lordship* or *Lords* were used to express respect towards the court and were therefore more frequently used by defendants of

lower social classes. Defendants of upper social ranks usually addressed others with respectful forms of address using phrases such as *"my Lords the Peers"*, especially towards members of the jury. It seems that their social peers expected them to use a certain type of manners that signified their noble birth, although some of these defendants such as the Earl of Essex emphasised their superior social positions more often compared to others. Other offenders changed their static, powerless preassigned role as defendants to a more powerful institutional role such as that of a prosecutor. In contrast, educated and eloquent defendants of lower social ranks combined respectful forms of address with the device of irony and sarcasm to strengthen their positions during the trial. In doing so, they transformed their role from offenders to someone who gave moral and legal advice to the court, especially the judges.

In terms of function, *Lord(e)*, *Sir*, *Duke*, *Mr*, and *Lady* are predominantly used as terms of reference, whereas *Lords*, *Lordship*, and *Lordships* were mainly attested as forms of address. Members of the prosecution who had the task of presenting the case and giving evidence before the judges and the jurors used *Duke* most frequently and *Lordship* least frequently. Polite forms of address such as *Duke* are also found in the data in combination with offensive statements, when members of the prosecution respectfully referred to a defendant as *Duke* and in the same turn accused him of being a *traitor*. Judges whose task it was to chair trials and give legal and moral advice to all trial participants preferred *Lord(e)* and *Mr.* to address others. In contrast, *Lordship* and *Lordships* were not attested among judges, as they were usually the addressees of such respectful forms. Although, on the whole, the different groups of trial participants by and large used respectful forms of address according to their preassigned roles, examples in the data show that, for example, the social status of the defendants influenced their language use, (im)politeness strategies, and word choice, either to present themselves as members of the same upper social class as their social peers (the jurors) or to change the asymmetrical power positions of the EModE courtroom.

Forms of address (insulting, offending)

The results of the empirical analysis showed that epithets occurred rather infrequently in the first two subperiods of the extended version of the *SPC*. However, in such cases they often co-occurred with offensive adjectives such as *notorious* or *vile* and the pronoun *thou* like the most frequently used epithet *traitor*. Other offensive terms only occurred rarely, in particular *spider*, *fool*, *villain*. Surprisingly, judges who had the lowest word count used epithets most frequently. It seems that judges whose role it was to chair trials, to inform or instruct others

about legal issues and moral behaviour, namely to be an exemplary judge, were particularly likely to refer to defendants as *wretch*, *fool*, or *traitor*. However, impoliteness and offensive language in the courtroom were more likely to be exercised figuratively through concepts such as mockery, sarcasm, or irony. This tactic was also used by defendants to discredit other trial participants by showing that their testimonies were false or untrustworthy, or that their characters were dishonest and disloyal.

With regard to the sociopragmatic analysis, members of the prosecution either acted within the framework of their professionalism as prosecutors by using formal language or they constantly used epithets and offensive language. The reasons for such behaviour were either the type of trial, high treason conducted as a show trial, certain behaviour of the defendant such as retracting a previous testimony, or personal dislikes between the prosecutor and the perpetrator. The results also show that personal relationships with other trial participants or the King/Queen had great influence on language behaviour and word choice, as did the type of the trial. Former courtiers or defendants who had a problematic relationship with the monarch were sentenced to death more often than acquitted in high treason trials compared to ordinary criminal trials. In contrast, defendants charged with offences such as murder but who had good relations with the monarch had a good chance of being pardoned later. While the word count of judges, as illustrated earlier, was significantly lower compared to the other trial participants, this speaker group occasionally changed their preassigned role as chair of the trial into that of a prosecutor, using epithets to address defendants. The reasons for such behaviour were varied, sometimes defendants accused judges of sanctioning torture and angered the judges, or sometimes their legal professionalism was biased and corrupted by the legal system, as in misdemeanour cases before the Star Chamber, a court with the function of protecting members of the upper class from defamatory publications and slander.

Nouns co-occurring in trials

Nouns that co-occur in trials such as *treason*, *mercy*, *truth*, *treasons*, *evidence*, *confession*, *accusation*, *proof*, and *proofs* were used differently by the three speaker groups in relation to the types of trials, a higher social rank, or the preassigned roles of the trial participants reflecting so the asymmetrical power positions of the EModE courtroom. The nouns *proof* or *evidence* were used by members of the prosecution to develop their arguments, whereas *proof* was mostly used in a figurative sense by all three speaker groups. The judges, as chair of the

trial, often gave legal advice or instructions to the defendants, members of the prosecution, or the jurors using nouns such as *truth*, *treasons*, *evidence*, *accusation* etc.

The noun *mercy* reflects what the results of the sociopragmatic analysis emphasise that social status and the historical background of trials influenced language use. *Mercy* was used to ask for pardon, mostly in the phrase *"I crave her Mercy"*. This was used by defendants of all social classes and reflected the formality of the historical courtroom and the proceedings. However, as already illustrated, defendants with good relations to the monarch had to use this phrase rather in a rhetorically way, knowing that they would be pardoned if they pleaded guilty. In contrast, judges used *mercy*, except for its formulaic use at sentencing, to reprimand defendants or pressure them to plead guilty, whereas their main role would have been to guide and advise them.

Final conclusions

The historical courtroom of the late Elizabethan and early Stuart times differed from that of the 18th century. The political situation and the claim to the English throne, and with it the question of religion, was not yet settled. Treasonous plots and open rebellion were more likely than in later centuries, leading to severe punishments in cases of high treason. In such show trials, language was used to emphasise the seriousness of the offence, in particular if the offender was of noble birth. However, more than expected, non-linguistic features influenced the asymmetrical power structures of the EModE courtroom, the preassigned static roles of the trial participants, and the institutional power positions of the participants.

Overall, the results of the analysis support the hypothesis that the use of language and (im)politeness strategies in the forms of terms of address, insults, pronouns, and certain nouns were based on a complex system that linked the types of trials, social status, personal relationships, and the historical-political backgrounds of the trials. All these non-linguistic features influenced the choice of words, the negotiation of (im)politeness, the preassigned roles, and the power structures in the courtroom during the trial and sometimes even its outcome.

In summary, the present study is the first to analyse linguistic features which were used to achieve either politeness or impoliteness in the context of sociopragmatic characteristics, historical-political backgrounds, the preassigned roles of the trial participants, and personal

relationships outside the courtroom. Furthermore, the use of the extended version of the *SPC* in the period 1560-1639 offers for the first-time access to new source material for further linguistic research for the late 16th and early 17th centuries.

10. Appendix: Trials

10.1. The period 1560-1599

Historical background: *Trial of Thomas Howard Duke of Norfolk* (1571) and *Trial of Robert Hickford* (1571)

Charged with: High Treason

Verdict: guilty

In the *Trial of Thomas Howard Duke of Norfolk* (1571), the Duke of Norfolk was accused of plotting against Queen Elizabeth I with the intention to kill the Queen and support Mary Stuart's claim to the English throne. He was also suspected of arranging a marriage with the Scottish Queen to strengthen his own social position. Eventually he was imprisoned and charged with high treason. The implications of the connection between the Duke of Norfolk as a member of the aristocracy and Mary Stuart was immense at this time. Queen Elizabeth I was still struggling to emphasise her claim to the English throne and to silence her opponents who secretly supported Mary Stuart's entitlement. Many of the Queen's opponents were members of the highest ranks of the nobility who pursued either political or religious reasons to support the Scottish Queen. The Duke of Norfolk's involvement in Mary Stuart's claim to the English throne was probably based on political reasons and included a possible marriage to her. Although the Duke of Norfolk admitted some involvement at his trial, he always explicitly denied the idea of marrying Mary Stuart. However, eventually he was found guilty and executed.

Robert Hickford was the secretary, a gentleman, of the Duke of Norfolk. Although he was not actively involved in the treason, he was also found guilty.

File name S1TNORFO	Participant	Values	Role	Additional Information	Status	Age	Gender
001	Miles Sand(e)s	n	Clerk of the Crown	Esquire	1	X	m
002	Thomas Howard	d	Defendant	Duke of Norfolk Nobleman, courtier	0	8 (age 33/35) 1536/38-1572	m
003	George Talbot	j	Lord High Stewart	6th Earl Shrewsbury	0	8 (age 43) 1528-1590	m
004	Jury	l	Jury		X	X	m
005	Sir Robert Catlin	j	Judge	Knighted in 1559 Lord Chief Justice of the Common Pleas	1	9 (age 61) 1510-1574	m
006	Court	o	Court		X	X	m
007	Sir James Dyer	j	Judge	Knighted in 1553 Lord Chief Justice of the Common-Pleas (since 1559)	1	9 (age 61) 1510-1582	m
008	Nicholas Barham	qc	Queen's counsel; Examiner for the prosecution (1st part of the trial)	Queen's Serjeant	1	9 (age 51) 1520-1577	m
009	Lord William Burleigh	l	Member of the Jury	Baron; Lord Keeper of the Privy Seal; Secretary of State; Knighted in 1551	0	9 (age 51) 1520-1598	m
010	Thomas Wilbraham	qc	Queen's counsel; Attorney	Queens Attorney of the Court of Wards	1 (a)	X	m
011	Richard Cavendish (Candish)	w	Witness for the prosecution	2nd son of Sir Richard Gernon (alias Cavendish)	1	8 (age 41) 1530-1601	m
012	Gilbert Gerard	qc	Queen's counsel; Attorney General	Knighted in 1579	1	X d. 1593	m

			Examiner for the prosecution (2nd part of the trial)				
013	Thomas Bromley	qc	Queen's counsel; Solicitor General Examiner for the prosecution (3rd part of the trial)	Knighted in 1579 Lord Chancellor (since 1579)	1	8 (age 41) 1530-1587	m
014	Judges	j	Judges		X	X	m

Historical background: *Trial of Robert Hickford* (1571)

Charged with: High Treason

Verdict: guilty

File name S1THICKF	Participant	Values	Role	Additional Information	Status	Age	Gender
001	Robert Hickford	d	Defendant	Secretary to Duke of Norfolk; gentleman;	1	X	m
002	Sir Robert Catlin	j	Judge	Lord Chief Justice of England	1	9 (age 61) 1510-1574	m
003	John Southcote	j	Judge	Justice of the Queen's Bench	1	9 (age 60) 1511-1585	m
004	Gilbert Gerard	qc	Queen's counsel; Attorney-General	Knighted in 1579	1	X d. 1593	m
005	Court	o	Court		X	X	m
006	Nicholas Barham	qc	Queen's counsel; Examiner for the prosecution	Queen's Serjeant	1	9 (age 51) 1520-1577	m
007	Onlookers	on	Onlookers		X	X	X

Historical background: *Trial of William Parry* (1585)

Charged with: High Treason

Verdict: guilty

The so-called Parry Plot[42] took place in 1585 with the aim of assassinating Queen Elizabeth and was closely associated with Thomas Morgan, an agent of Mary Stuart. William Parry was a gentleman of a good family in Flintshire and became a Doctor of Laws. However, his lifestyle was reckless as he had carried through the fortunes of two wives and was sentenced to death for a violent assault on a creditor. To escape the death sentence, he had to go abroad on the condition that he provides information about exiled Catholics. It is still unclear today whether Parry had worked exclusively as an *agent provocateur* for the English government and eventually fell victim to it, or whether his own actions were the reason for his execution. When Parry met Thomas Morgan, the latter urged him to make an assassination attempt on Elizabeth. Although Parry agreed and met the Queen several times after he his return to England, he did not put his agreement into action. He did, however, discuss his plans with Edmund Neville, a distant relative of his, who eventually betrayed him to the authorities. Parry was arrested in February 1585 and interrogated by Sir Francis Walsingham. It is important to note that although Parry initially confessed to this plot, he retracted his confession during the trial and denied ever having intended to kill the Queen. Based on his behaviour during the trial, it seems that Parry was probably not entirely rational. Moreover, it is not completely established whether Parry acted as *agent provocateur* or whether he really wanted to kill Elizabeth. However, the latter seems rather unlikely from a historical point of view. Ultimately, Parry was found guilty and executed as a victim of the conflict within the Puritan party, namely between Walsingham and Burghley. [43]

[42] Brooks, 1947: 231-243.

[43] The verdict stated that Parry's execution should be the following: "to bee hanged and let downe aliue, and thy priuie partes cutte off, and thy entrals taken out and burnt in thy sight, then thy head to be cut off, and thy body to be deuided in foure partes, and to be disposed at her Ma|iesties pleasure: […]" (cf. Anonymous, 1585).

File name S1TPARRY	Participant	Values	Role	Additional Information	Status	Age	Gender
001	Miles Sandes	n	Clerk of the Crown	Esquire	1	X	m
002	William Parry	d	Defendant	Doctor of Law	2	X d. 1585	m
003	Sir Christopher Hatton	qc	Queen's counsel	Vice-Chamberlaine; Knighted in 1577	1	8 (age 44) 1540-1591	m
004	Court	o	Court		X	X	m
005	Mr. John Popham	qc	Queen's counsel; Attorney General	Solicitor General in 1579; Knighted in 1592; 1592 Queen's Bench	1 (a)	9 (age 53) 1531-1607	m
006	Henry L. Hundsdon (Lord Henry Carey)	j	Judge	Baron Hunsdon Governor of Berwick	0	9 (age 58) 1526-1596	m
007	Sir Christopher Wray	j	Judge	Lord Chief Justice of England; Knighted in 1574	1	9 (age 62) 1522-1592	m

Historical background: *Trial of Anthony Babington et al.* (1586) and *Trial of Edward Abington et. al.* (1586)

Charged with High Treason

Verdict: guilty (hanged, drawn, and quartet)

The Babington plot of 1586[44] was a Catholic conspiracy in the first years of Elizabeth's reign with the aim of assassinating Elizabeth I and placing the Catholic Mary Stuart on the English throne. However, this conspiracy was not a single plan but also involved numerous conspirators who were arraigned in separated high treason trials (cf. *Trial of Edward Abington et. al.* and *Trial of Anthony Babington et al.*, both 1586). Many of the defendants in these trials moved in court circles or even had access to the Queen. Anthony Babington, a Catholic gentleman, was the leader of a group of Catholics, and, according to historical sources, not particularly courageous but a trusting nature who liked to make speeches. He met John Ballard, a Cambridge graduate who fled England in 1579 because of his religion and travelled through Europe before returning in 1586. He had met Babington before he went abroad to France, and when Ballard returned home, he cultivated Babington's friendship. He told Babington of his idea of a foreign invasion and the help of European powers to overthrow Elizabeth's reign, including her assassination. However, Ballard's plan of foreign invasion and rebellion existed only in his imagination. Although Babington initially agreed with Ballard's idea, he later questioned his decision and even came into contact with Sir Francis Walsingham[45], Elizabeth's spymaster, and Mary Stuart. Babington's correspondence with the Scottish Queen was seen by Walsingham and on the basis of a forged postscript asking for the names of the six men who were to assassinate Elizabeth I, Babington and Ballard, among others, were arrested and charged with high treason. It is important to note that Sir Christopher Hatton, who was one of the judges (commissioners) in the *Trial of Anthony Babington et al.* (1586) and in the *Trial of Edward Abington et al.* (1586), had an employee who worked for Walsingham as an agent provocateur to uncover the Babington plot. Ultimately, all defendants at both trials were found guilty and executed. However, the defendants of the *Trial of Edward Abington et al.* were publicly executed in such cruel manner that even the EModE

[44] Brooks, 1947: 270-287

[45] Wilson, A., 2011; Wilson, D.,200

spectators were offended, Queen Elizabeth I decided that the defendants of the *Trial of Anthony Babington et al.* would be executed the next day without spectators and without any additional cruel torture methods.

File name S1TBABIG	Participant	Values	Role	Additional Information	Status	Age	Gender
001	Miles Sandes	n	Clerk of the Crown	Esquire	1	X	m
002	John Savage	d	Defendant	Gentleman	1	X d. 1586	m
003	Sir Edmund Anderson	j	Judge	Lord Chief Justice of the Common Pleas; Knighted in 1582	1	9 (age 56) 1530-1605	m
004	Sir Roger Manwood	j	Judge	Lord Chief Baron of the Exchequer; Knighted in 1578	**1**	9 (age 61) (1525-1592)	m
005	Sir Christopher Hatton	j	Judge	Vice-Chamberlaine; Knighted in 1577	1	9 (age 46) 1540-1591	m
006	Mr. John Popham	qc	Queen's counsel; Attorney-General	Knighted in 1592	1 (a)	9 (age 54) 1531-1607	m
007	John Ballard	d	Defendant	Jesuit priest (Roman Catholic agent); Clerk	2	X d. 1586	m
008	Anthony Babington	d	Defendant	Esquire	1	8 (age 24) 1561-1586	m
009	Robert Barnewell	d	Defendant	Gentleman	1	X d. 1586	m
010	Chidiock Titchburne (Tichborne)	d	Defendant	Poet; Esquire	1	8 (age 28/32) 1558/62-1586	m
011	Sir Thomas Salisbury (Salesbury)	d	Defendant	Esquire;	1	8 (age 22/24/31) 1555/61/64-1586	m

012	Henry Donn	d	Defendant	Gentleman; Clerk;	1	X d. 1586	m
013	Court	o	Court		X	X	m
014	all seven defendants	d	Defendants	Defendants	X	X	m
015	Anthony Babington/ Chidiock Titchburne/ Robert Barnewell	d	Defendants	Defendants	1	X	m

Historical background: *Trial of Edward Abington, Charles Tilney, Edward Jones, John Travers, John Charnock, Jerome Bellamy, Robert Gage Anthony Babington et al.* (1586) and *Trial of Edward Abington et. al.* (1586)

Charged with High Treason

Verdict: guilty

File name **S1TABING**	**Participant**	**Values**	**Role**	**Additional Information**	**Status**	**Age**	**Gender**
001	Miles Sandes	n	Clerk of the Crown	Esquire	1	X	m
002	Edward Abington	d	Defendant	Esquire	1	8 (age 33) 1553-1586	m
003	Charles Tilney	d	Defendant	Esquire; Gentleman; Pensioner	1	8 (age 25) 1561-1586	m
004	Edward Jones	d	Defendant	Esquire	1	X d. 1586	m

005	John Travers	d	Defendant	Gentleman	1	X d. 1586	m
006	John Charnock	d	Defendant	Gentleman	1	8 (age 25) 1561-1586	m
007	Jerome Bellamy	d	Defendant	Gentleman	1	X d. 1586	m
008	Robert Gage	d	Defendant	Gentleman	1	X d. 1586	m
009	Sir Christopher Hatton	j	Judge	Vice-Chamberlaine; Knighted in 1577	1	9 (age 46) 1540-1591	m
010	all seven defendants	d	Defendants	Defendants	1	X	m
011	Sir Edmund Anderson	qc	Queen's counsel	Lord Chief Justice of the Common Pleas; Knighted in 1582	1	9 (age 56) 1530-1605	m
012	Lt. of the Tower (Owen Hopton)	ng	Lt. of the Tower	Knighted 1561; Lt. of the Tower 1570-1590	1	9 (age 67) 1519-1595	m
013	Court	o	Court		X	X	m
014	Sir John Puckering	qc	Queen's counsel; Serjeant at law;	Speaker of the House of Commons; Knighted in 1592	1	8 (age 43/44) 1543/4-1596	m
015	Jury	l	Jury		X	X	m
016	Edward Abington/ Charles Tilney/ Edward Jones/ John Travers	d	Defendants	Defendants	1	X	m

10.2. The period 1600–1639

Historical background: *Trial of the Earls Essex and Southampton* (1601)

Charged with: High Treason

Verdict: guilty/reprieved (Southampton)

In the *Trial of the Earls Essex and Southampton* (1601), both defendants were members of the nobility and charged with high treason. The Earl of Essex was one of the most popular and influential courtiers at Queen Elizabeth's court. However, his political ambitions and several major defeats in battles changed Elizabeth's opinion of Essex over time. Eventually, he was accused of inciting a rebellion against the Queen including the attack on the Tower of London. In addition, Essex was seen as supporting the claim of James Stuart's claim, later King James I, to the English throne. It is important to note that Sir Walter Raleigh appeared as a witness for the prosecution at Essex's trial, a fact that underlined the dislike of James I of Raleigh and was evident three years later in Raleigh's high treason trial. Both defendants were found guilty, with the Earl of Essex executed but the Earl of Southampton pardoned.

File name S2TESSEX	Participant	Values	Role	Additional Information	Status	Age	Gender
001	Sir Edward Coke	qc	Queen's counsel; Attorney-General;	Knighted in 1603	1	9 (age 49) 1552-1634	m
002	Lord Thomas Sackville	j	Lord High Stewart	Knighted in 1567; 1st Baron of Buckhurst (1567); Lord Treasurer (1603); 1st Earl of Dorset (1604)	0	9 (age 65) 1536-1608	m
003	Jury	l	Jury		X	X	m
004	Robert Earl of Essex	d	Defendant		0	8 (age 34) 1567-1601	m

005	Court	o	Court		X	X	m
006	Henry Earl of Southampton	d	Defendant		0	8 (age 28) 1573-1624	m
007	Sir Walter Raleigh	w	Witness	Knighted in 1583 Captain of the Guard	1	9 (age 49) 1552-1618	m
008	Serjeant Christopher Yelvert (Sir)	qc	Queen's counsel; Serjeant at law	Judge of the King's Bench (1602)	1	X d. 1607	m
009	Lord Admiral Nottingham Charles Howard	l	Jury	Knighted; 2nd Baron Howard of Effingham; 1st Earl of Nottingham; Naval Commander	0	9 (age 65) 1536-1624	m
010	Sir Ferdinando Gorges	w	Witness	Knighted; 2nd Governor of Maine	1	8 (age 33) 1568-1647	m
011	Henry Lord Cobham	l	Peer/Jury	11th Baron Cobham (1597)	0	8 (age 37) 1564-1619	m
012	Sir Francis Bacon	qc	Queen's counsel; Attorney	Lord Keeper 1617 Lord Chancellor 1618	1	8 (age 40) 1561-1626	m
013	Lord Robert Cecil	on	Onlooker	Secretary of State; Knighted; 1st Earl of Salisbury 1605;	1	8 (age 38) 1563-1612	m
014	Mr. Thomas Knevet (Knyvet)	on	Onlooker	Gentleman of her Majesty's Privy Chamber; 1st Baron Knyvet 1603; Knighted in 1601	1	9 (age 55) 1546-1622	m
015	Mr. Comptroller (Sir William Knollys)	w	Witness	1st Earl of Banbury 1626	1	9 (age 57) 1544-1632	m
016	Lord Thomas Howard	l	Jury	Baron of Walden; Constable of the Tower (1601); Earl of Suffolk (1603)	0	8 (age 40) 1561-1628	m
017	Clerk of the Crown	n	Clerk of the Crown		X	X	m

Historical background: *Trial of Sir Walter Raleigh* (1603)

Charged with: High Treason

Verdict: guilty

Sir Walter Raleigh (1603) was accused of high treason during the reign of James I. In a former trial (cf. *Trial of the Earls of Essex and Southampton*, 1601), Raleigh was a witness for the prosecution, which led to the execution of one of the defendants, the Earl of Essex. Essex, who supported the Stuart claim to the English throne. When James I became King of England, Raleigh lost most of his income and wealth due to the King's intervention and his personal contempt against Raleigh. Eventually, Raleigh was accused of working as a spy for the Spanish King and charged with high treason. Recent research seems to prove that despite his long fought against Spain, Raleigh eventually switched sides and worked for the Spanish King. His motivation was probably that the new King James I confiscated much of Raleigh's wealth and income due to a personal dislike. The King's dislike was closely related to the execution of the Earl of Somerset (cf. *The Trial of Earl of Essex and Henry Earl of Southampton* 1601) by Elizabeth I. Based on Raleigh's testimony, Essex was found guilty and eventually executed. James I often referred to Essex as "my martyr Essex" (Cunningham, 1992: 331), as Essex was one of James' supporters for his succession to the throne, whereas Raleigh rejected the idea and even suggested turning England into a republic. Moreover, the Attorney General Sir Edward Coke tried to prove his loyalty to the new King by turning Raleigh's trial into a show trial. The prosecutor's ambition to prove himself to James I is evident in his mistreat of the defendant. Although Raleigh was convicted, he was not immediately executed but given the opportunity to go on a voyage of discovery. However, when he returned to England, he was eventually executed for treason.

File name S2TRALEI	Participant	Values	Role	Additional Information	Status	Age	Gender
001	Sir Walter Raleigh	d	Defendant	Knighted 1583	1	9 (age 51) 1552-1618	m
002	Jury	l	Jury		X	X	m
003	Sir Edward Coke	kc	King's Counsel; Attorney-General;	Knighted under James I (1603)	1	9 (age 51) 1552-1634	m
004	Sir John Popham	j	Judge	Lord Chief Justice of England; Knighted in 1592	1	9 (age 72) 1531-1607	m
005	Lord Robert Cecil	j	Commissioner	Secretary of State; Knighted; 1st Earl of Salisbury 1605;	0	8 (age 40) 1563-1612	m
006	Court	o	Court		X	X	m
007	Earl of Suffolk Thomas Howard	j	Judge	Earl of Suffolk 1603; Lord Chamberlaine	0	8 (age 42) 1561-1626	m
008	Sir Thomas Fowler	l	Foreman of the Jury	Knight	1	X	m
009	Sir Henry Howard	j	Commissioner	Baron (1604); Earl of Northampton (1604)	1	9 (age 63) 1540-1614	m
010	Judges	j	Judges (not laymen)		X	X	m
011	Sir Edmund Anderson	j	Judge	Lord Chief Justice of the Common-Pleas; Knighted in 1582	1	9 (age 73) 1530-1605	m
012	Sir William Wade (Waad)	j	Commissioner	Lieutenant of the Tower (1603); Knighted in 1603; Clerk of the Privy Council (1583)	1	9 (age 57) 1546-1623	m

013	Sir Robert Wroth	j	Commissioner	Knighted in 1597; Politician	1	9 (age 64) bapt. 1539-1606	m
014	Serjeant Phillips	kc	Serjeant at law King's Counsel		1 (a)	X	m
015	Commissioners	j	Commissioners		X	X	m
016	Sir Charles Howard	w	Witness	Lord Admiral; 1st Earl of Nottingham	0	9 (age 67) 1536-1624	m
017	Dyer	w	Witness	Boat pilot	X	X	m
018	Clerk of the Crown	n	Clerk of the Crown		X	X	m

Historical background: *Trial of Lady Frances Countess of Somerset* (1616*)* and *Trial of Robert Carr Earl of Somerset:*

Charged with: Murder

Verdict: guilty, later pardoned

The *Trial of Lady Frances Countess of Somerset* (1616), with the exception of the related trial of her husband Robert Carr, is the only murder case in the first two subperiods of the extended version of the *SPC* and the only one with a female defendant. Lady Frances and her husband, both members of the nobility and close friends of King James I, were accused of poisoning Sir Thomas Overbury during his imprisonment in the Tower. Four other defendants who were linked to the murder but belonged to lower social classes, were found guilty and executed. However, King James explicitly stated to the prosecutor Frances Bacon before the trial that he would not execute Lady Frances or her husband because of their social status and his personal connection to them. Therefore, with the help of the prosecutor Frances Bacon, James I had previously tried to persuade the two defendants to plead guilty and consequently to avoid a criminal trial. The following extract from a letter[46] from the Attorney General Sir Frances Bacon to King James I (22 January 1615), in which he proposes Sir Thomas Egerton (Lord Ellesmere Chancellor of England) as Lord High Stewart in both trials, gives an insight into the special circumstances and arrangements made to protect the two defendants.

> First, that your Majesty will be careful to choose a [Lord High] Steward of judgment [Sir Thomas Egerton (Lord Ellesmere Chancellor of England was chosen] that may be able to moderate the evidence and cut off digressions; for I may interrupt, but I cannot silence. The other, that there may be special care taken for the ordering the evidence, not only for the knitting, but for the list [wish] and, to use your Majesty's own words, the confining of it.
>
> (Letter of Sir Francis Bacon to King James from January 22, 1615 cited in Amos, 1846)

This highly irregular pre-trial proposal by a member of the prosecution had political reasons and great influence on the outcome of the two murder trials. The murder victim, Sir Thomas Overbury, had publicly opposed Lady Frances' second marriage to Robert Carr, as her first marriage had been

[46] Letter from Sir Francis Bacon to King James I, April 28, 1616, qdt. in Amos, 1846 Great Oyer of Poisoning.

annulled in scandalous circumstances. When Overbury had publicly denounced Lady Frances' marriage, he was imprisoned in the Tower by the order of King James, where he was eventually poisoned. Therefore, the King feared that information might come to light during the trial that would put him personally into a questionable position.

File name S2TLADYF	Participant	Values	Role	Additional Information	Status	Age	Gender
001	Lord Thomas Egerton	j	Lord High Steward	Chancellor of England; Baron of Ellesmere (1603); Viscount Brackley (1616)	0	9 (age 76) 1540-1617	m
002	Mr. Fenshaw	n	Clerk of the Crown		1 (a)	X	m
003	Lady Frances	d	Defendant	Countess of Somerset	0	8 (age 26) 1590-1632	f
004	Sir Francis Bacon	kc	King's counsel; Attorney-General	later Viscount of St. Alban	1	9 (age 55) 1561-1625	m
005	Sir Edward Coke	j	Lord Chief Justice of England Judge	Knight	1	9 (age 64) 1552-1634	m
006	Jury	l	Jury		X	X	m

File name S2TCARR	Participant	Values	Role	Additional Information	Status	Age	Gender
001	X	cr	Serjeant Cryer		X	X	m
002	Mr. Fenshaw	n	Clerk of the Crown		1 (a)	X	m

003	Sir Robert Carr	d	Defendant	Earl of Somerset	0	8 (age 31) 1585/6-1645	m
004	Lord Thomas Egerton	j	Lord High Steward	Chancellor of England; Baron of Ellesmere (1603); Viscount Brackley (1616)	0	9 (age 76) 1540-1617	m
005	Sir Henry Montague	kc	King's counsel; Examiner for the prosecution	King's Sergeant; Knighted; Recorder of the city of London; later Baron and Viscount Earl of Manchester (1620)	1	9 (age 52) 1564-1646	m
006	Sir Edward Coke	j	Lord Chief Justice of England	Knighted;	1	9 (age 64) 1552-1634	m
007	Ranulphe (Randall) Crew(e)	kc	King's counsel; Examiner for the prosecution	King's Sergeant Knighted;	1	9 (age 58) 1558-1646	m
008	Sir Frances Bacon	kc	King's counsel; Attorney General	later Viscount of St. Alban	1	9 (age 55) 1561-1625	m
009	Lord Viscount Lisle	l	Jury		0	X	m
010	Lord Compton	l	Jury		1	X	m
011	Lord Dormer	l	Jury		1	X	m
012	Lord Norris	l	Jury		1	X	m
013	Walter Lee	sa	Serjeant at arms		1 (a)	X	m
014	Sir George More	ng	Lieutenant of the Tower	Lieutenant of the Tower (1615-1617)	1	9 (age 63) 1553-1632	m
015	Jury	l	Jury		X	X	m
016	Court	o	Court		X	X	m

017	King's Counsel	kc	Henry Montague/ Ranulphe Crew(e)/ Frances Bacon		1	9	m

Historical background: *Trial of Dr. Bastwicke, Mr. Burton, and Mr. Prynne* (1638)

Charged with: Libel

Verdict: guilty

In 1638, William Prynne, a barrister, John Bastwicke, a doctor of medicine, and Henry Burton, a minister of religion, were accused of libel, namely publishing books with slanderous content. Their trial (*Trial of Dr. Bastwicke, Mr. Burton, and Mr. Prynne,* 1638) took place before the Star Chamber, a court which at that time had a bad reputation of being biased and unfair. Many trials held in this court between 1620 and 1640 were later held to be unlawful. However, this misdemeanour case is one of the few cases where defendants had the right to legal advice from a barrister during the trial. Mr. Holt was one of the two legal counsellors for the three defendants and his role was to represent, assist, and defend their rights. However, it appears that Mr. Holt did not take his responsibilities as seriously as he should have, whereas the second barrister made no appearance at all during the trial. In the end, all defendants were found guilty and given the punishment of being pilloried, having their ears cut off and going to prison for life. However, a later verdict overturned this sentence and the defendants received damages for their unjust verdict.

File name S2TBAST	Participant	Values	Role	Additional Information	Status	Age	Gender
001	Sir John Finch	j	Judge	Lord Chief Justice of the Common Pleas Baron Finch of Fordwich	0	9 (age 53) 1584-1660	m
002	William Prynne	d	Defendant	Barrister Esquire	1	8 (age 37) 1600-1669	m
003	Court	o	Court		X	X	m
004	Sir Henry Montague	j	Judge	Earl of Manchester	0	9 (age 53) 1563-1646	m
005	John Bastwicke	d	Defendant	Doctor of medicine	2	8 (age 42) 1595-1654	m
006	Henry Burton	d	Defendant	Minister of religion	2	9 (age 59) 1578-1648	m
007	Mr. Holt	v	Counsel for the defendant/legal adviser	Barrister Bencher of Greyes-Inn	2	X	m
008	Edward Sackville	j	Judge	Earl of Dorset	0	9 (age 46) 1591-1652	m
009	Lord Thomas Howard Arundel	j	Judge	14th Earl of Arundel; 4th Earl of Surrey; 1st Earl of Norfolk	0	9 (age 52) 1585-1646	m
010	Defendants	d	William Prynne/ John Bastwicke/ Henry Burton		X	X	m

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